New York City
Department of Transportation

HIGHWAY RULES

Title 34
Chapter 2
Rules of the City of New York

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Section 2-01

DEFINITIONS

Administrative Code. The term "Administrative Code" means the Administrative Code of the City of New York.

Block Segment. The term "Block Segment" means the linear stretch of the street between the curblines of the cross streets that intersect such block.

City Electrical Equipment. The term "city electrical equipment" means city property to which electrical connections can be made, including but not limited to, electrical devices, wood poles and metal street light/lampposts.

City Property. The term "city property" means, for the purpose of this section, real property and physical structures owned by the City of New York and subject to Department of Transportation jurisdiction, including but not limited to, roadways, sidewalks, street furniture and electrical equipment.

Commissioner. The term "Commissioner" means the Commissioner of the Department of Transportation or his or her authorized designee.

Corrective action request or CAR. The term "corrective action request" or "CAR" means a formal notice by the Department that work performed and/or a condition created or maintained on a street is in violation of these rules or other applicable law with a request that action be taken by the person to whom such notice is addressed to correct the work and/or the condition so described.

Department. The term "Department" means the Department of Transportation.

Designated field headquarters. The term "designated field headquarters" means an office maintained at the work site, unless some other location is approved by the Department.

Embargo period. The term "embargo period" means a period of time designated by the OCMC during which there shall be a temporary suspension of work (except for emergency work) due to a holiday, special event or emergency.

Emergency. The term "emergency" means a situation endangering the public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise to be continuously maintained.

Emergency work. The term "emergency work" means work necessary to correct a situation endangering the public safety or causing or likely to cause the imminent interruption of service required by law, contract or franchise to be continuously maintained, for example, by a government agency, a public utility, a franchisee, etc. Such term shall not include work on new construction, regrades of existing hardware, continuation of an existing permit that has expired or will expire imminently or any other work which is not necessary to correct a condition likely to cause such imminent interruption.

Intersection. The term "Intersection" means the area contained within the grid created by extending the curblines of two or more streets at the point at which they cross each other.

Non-city Electrical Equipment. The term "non-city electrical equipment" means property, not owned by the City, which is attached to City Property and to which electrical connections can be made, including but not limited to, electrical devices and wood poles.

OCMC. The term "OCMC" means the Office of Construction Mitigation and Coordination, a unit within the Department which is responsible for providing traffic stipulations and coordinating construction activity on City streets.

Overhead shunt. The term "overhead shunt" means a shunt that runs from the top of a street light or traffic control device pole to another pole and/or to a property.

Pedestrian Traffic Manager. The term "pedestrian traffic manager" means a person authorized by the Commissioner to direct bicycle and pedestrian traffic pursuant to these rules.

Permittee. An individual, corporation, business or other entity who secures permits for all work regulated by the Department, pursuant to these rules.

Person. The term "person" means a natural person, partnership, corporation, limited liability company, association or any other entity.

Protected street. The term "protected street" means a street which has been resurfaced or reconstructed within five years prior to the date of application for a permit.

Public Utilities. The term "public utilities" means public utility companies as defined in the Public Service Law.

Roadway. The term "roadway" means that portion of a street designed, improved or ordinarily used for vehicular travel, exclusive of the shoulder and slope.

Shunt. The term "shunt" means a temporary electrical cable or conduit that has been installed between two points to divert current from one path, which is no longer in use, to another path.

Sidewalk. The term "sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Specifications. The term "specifications" means the standard specifications available from the Department indicating required construction materials.

Standards. The term "standards" means the standard details of construction, available from the Department, which contains drawings showing required dimensions of items to be constructed.

Street. The term "street" means a public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, viaduct, square or place, except marginal streets.

Street shunt. The term "street shunt" means a shunt that runs from a street light/lamppost or utility access cover along a roadway and/or sidewalk to a property or other street light/lamppost.

Wrap-around shunt. The term "wrap-around shunt" means a shunt used on a street light/lamppost or traffic signal pole that is attached to the top of the pole, is looped or wrapped around the outside of the pole and enters the base of the pole for electrical connection.

Section 2-01.1

COMPLIANCE WITH THE MANUAL ON UNIFORM TRAFFIC DEVICES

All permittees must comply with the most recent version of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the Federal Highway Administration (FHWA), and the New York State Supplement.

Section 2-02

PERMITS

(a) Initial permit application. The following information shall be provided to the Department upon initial application for a permit under these rules and shall be updated as necessary and refiled annually:

(1) If the applicant is a corporation:

(i) address and telephone number of applicant;

(ii) name and telephone number of a contact person in the event of an emergency;

(iii) affidavit acknowledging incorporation and a certified copy of the certificate of incorporation, and proof of registration with the New York State Department of State, Office of the Secretary of State. When completing the permit application, applicants must supply the Department with the identical identifying information, including but not limited to the company name, as they have provided to the New York State Department of State, Office of the Secretary of State;

(iv) names of corporate officers;

(v) names of two agents/employees designated to receive summonses or notices of violation or other notices required by these rules or other provisions of law;

(vi) New York City plumber's license certificate or other license numbers, if applicable;

(vii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;

(viii) employer identification number;

(ix) e-mail address, if any.

(2) All other applicants:

(i) address and telephone number of applicant;

(ii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;

(iii) New York City plumber's license certificate or other license numbers, if applicable;

(iv) employer identification number;

(v) e-mail address, if any.

(3) Insurance and indemnification requirements (for all applicants):

(i) Each applicant shall, before applying for a permit, obtain a Commercial General Liability (CGL) insurance policy or policies satisfying the requirements of this subparagraph. All CGL insurance policies, whether primary, excess or umbrella, shall:

(A) be issued by a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-VII or a Standard and Poor's rating of at least AA.

(B) provide coverage to protect the City of New York ("City") and the applicant from claims for property damage and/or bodily injury, including death, which may arise from any operations performed by or on behalf of the applicant for which the Department has issued it a permit;

(C) provide coverage at least as broad as that provided by the most recent edition of ISO Form CG 0001;

(D) provide coverage for completed operations;

(E) provide coverage of at least $1,000,000 combined single limit per occurrence, except that with respect to applications for permits to place a crane on a street, such minimum amount shall be no less than $3,000,000 combined single limit per occurrence;

(F) provide that the City and its officials and employees are Additional Insureds with coverage at least as broad as set forth in ISO Form CG 2026 (11/85 ed.);

(G) provide that the limit of coverage applicable to the Named Insured is equally applicable to the City as Additional Insured.

(H) This policy shall not be cancelled or terminated, or modified or changed in a way that affects the City by the issuing insurance company unless thirty (30) days prior written notice is sent to the Named Insured and the Commissioner of the New York City Department of Transportation, except that notice of termination for non-payment may be made on only ten (10) days written notice.

(I) If the permit applicant has applied for more than one thousand permits in the previous calendar year, the insurance policy shall contain each of the following endorsements;

(1) If and insofar as knowledge of an "occurrence", "claim", or "suit" is relevant to the City as Additional Insured under this policy, such knowledge by an agent, servant, official or employee of the City of New York will not be considered knowledge on the part of the City of the "occurrence", "claim", or "suit" unless notice thereof is received by the: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department; and

(2) Any notice, demand or other writing by or on behalf of the Named Insured to the insurance company shall also be deemed to be a notice, demand or other writing on behalf of the City as Additional Insured. Any response by the Insurance Company to such notice, demand or other writing shall be addressed to the Named Insured and to the City at the following address: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.

(ii) Each applicant shall, before applying for a permit, obtain Workers Compensation insurance in accordance with the laws of the State of New York from a licensed insurance company.

(iii) Each applicant shall, before applying for a permit, file with the Department proof that the applicant has insurance in place that provides coverage set forth in this subdivision with respect to the permit period. If the applicant chooses to meet this proof with an insurance certificate, the insurance certificate shall set forth the coverage provided, state that completed operations coverage is included and that the City is an additional insured, and shall be accompanied by a sworn statement in a form prescribed by the Department from the insurer or from a licensed insurance broker certifying that the insurance certificate is accurate in all material respects, and that the described insurance is in effect.

(iv) An applicant may obtain insurance policies applicable to more than one permit application, in which case the proof pursuant to subparagraph (iii) shall state that the policies cover all such permits in specified boroughs, or throughout the City.

(v) The applicant shall provide a copy of any required policy within thirty days of a request for such policy by the Department or the New York City Law Department.

(vi) In its sole discretion, the Department may allow applicants that frequently seek permits to self-insure, provided that the applicant:

(A) presents proof of excess or umbrella CGL coverage applicable to its operations under such permits;

(B) certifies that it has a self-insurance program in place that satisfies the requirements contained in subparagraph (i) and will continue it for the life of the permit and the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules;

(C) agrees to provide the same defense of any suit against the City that alleges facts that bring the suit within the scope of the coverage required in subparagraph (i) as an insurer would be obligated to provide under the laws of New York;

(D) submits a statement, signed by a person authorized to bind the applicant and acknowledged by a notary public, in which the applicant agrees to assume full liability for satisfying all obligations set forth in this subparagraph (vi), and
(E) provides the Department with the name and address of the office or official of its self-insurance program who is responsible for satisfying the self-insurance obligations.

(vii) The permittee shall maintain insurance throughout the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules, satisfying the requirements in subparagraph (i) of this paragraph and providing coverage to protect the City, the Department and the applicant from all claims for property damage and/or bodily injury, including death, which may arise from any defects discovered during such Guarantee Period.

(viii) The permittee shall notify in writing the CGL insurance carrier, and, where applicable, the worker's compensation and/or other insurance carrier, of any loss, damage, injury, or accident, and any claim or suit arising from any operations performed by or on behalf of the permittee for which the Department has issued it a permit, immediately, but not later than 20 days after such event. The permittee's notice to the CGL insurance carrier must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured as well as the Named Insured." The permittee's notice to the insurance carrier shall contain the following information: the name of the permittee, the number of the permittee, the date of the occurrence, the location (street address and borough) of the occurrence, and the identity of the persons or things injured, damaged or lost.

(ix) The permittee shall indemnify, defend and hold the City and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to the operations of the permittee and/or its failure to comply with any of the requirements set forth herein or law. Insofar as the facts and law relating to any claim would preclude the City and its officials and employees from being completely indemnified by the permittee, the City and its officials and employees shall be partially indemnified by the permittee to the fullest extent provided by law.

(x) A failure by the City of New York or the Department to enforce any of the foregoing requirements shall not constitute a waiver of such requirement or any other requirement.

(4) Permit bonds.

(i) A permit bond shall be submitted by all permittees to the permit office at the time of permit issuance to cover all costs and expenses that may be incurred by the City as a result of the activity for which the permit is issued or for the purpose of otherwise safeguarding the interests of the City. The permit bond shall be in the form prescribed by the Department. Such permit bonds described above shall cover all permitted activities described herein.

(ii) For a permit bond submitted for the purpose of performing street openings and excavations pursuant to §2-11 of these rules, such permit bond shall be submitted in the amount of $10,000.00 for a single location within the City of New York per calendar year, $25,000.00 for two to fifty locations within the City of New York per calendar year, and $50,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of $100,000.00.

(iii) Bonds shall be valid through the permit's guarantee period as set forth in these rules.

(iv) The issuer of the bond shall give the Department at least 30 days written notice prior to expiration or cancellation of such bond.

(v) A receipt demonstrating full payment of the bond shall be filed with the Department.

(vi) A separate bond need not be filed for each location, provided such coverage is in force for all operations in the entire borough, City or state.

(vii) A notice of continuation of certificate shall be received every calendar year for the continuation of an existing bond.

(viii) Effective July 1, 2008, for a permit bond submitted pursuant to subparagraph (ii) above, such permit bond shall be submitted in the amount of $10,000.00 for a single location within the City of New York per calendar year, $50,000.00 for two to fifty locations within the City of New York per calendar year, and $100,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Effective July 1, 2008, permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of $250,000.00.

(ix) For permits with the exception of those set forth in subparagraph (ii) above and sidewalk construction permits issued pursuant to §2-09 of these rules, a permit bond shall be submitted in the amount of $5,000 for a single location within the City of New York per calendar year or in the amount of $25,000 for multiple locations within the City of New York per calendar year. In the event that a permittee will also secure street opening and excavation permits within the City of New York during the same calendar year, the permittee's compliance with subparagraph (ii), or effective July 1, 2008 with subparagraph (iii), above shall be sufficient to demonstrate compliance with this section.

(5) Deposits.

(i) A deposit of $5,000.00, in the form of money order or certified check, shall be required from permittees when outstanding balances for permit fees, backcharge fees, corrective action requests (CARs) or other charges exceed $3,000.00 for a period longer than forty-five (45) calendar days.

(ii) Such permittees shall maintain a deposit balance of $5,000.00 at all times until the deposit is refunded pursuant to subparagraph (iv), below. If the balance of such cash deposit falls below $5,000.00, all review of permit applications and permit issuance may cease, except in cases of emergency work.

(iii) Any amounts owed by permittees for permit fees, CAR fees, backcharge fees or other charges payable pursuant to law for a period longer than forty-five (45) calendar days shall be deducted from the deposit after notice to the permittee.

(iv) Deposits shall be refunded after one year (365 consecutive calendar days) of full compliance with all applicable laws, rules and specifications.

(b) General conditions for all permits.

(1) Permit applications for the following work shall be reviewed by OCMC prior to the issuance of permits:

(i) work to be performed for sewer and water system construction;

(ii) work to be performed in Manhattan;

(iii) work required on primary and secondary arteries;

(iv) permits to close streets;

(v) permits for placement of commercial refuse containers in Manhattan;

(vi) any other activity deemed necessary by the Commissioner.

(2) Permits for emergency work. Permits for emergency work shall be issued in accordance with §2-11 of these rules.

(3) Before issuing a permit the Department may demand that permittee show proof of required approvals from other governmental entities.

(4) Street closings lasting more than 180 days. Permits that will result in a publicly mapped street being fully closed for more than 180 consecutive calendar days shall be issued in accordance with all the requirements of §2-16 of these rules.

(c) Display of permits and signs at work site.

(1) Unless otherwise authorized, permits shall be kept at the work site or designated field headquarters at all times and shall be made available for inspection upon request of any police officer or any authorized employee of the Departments of Environmental Protection, Buildings, Police and Transportation or any other City employees specifically authorized by the Commissioner to enforce these rules. Such permits cannot be posted on construction fences, sidewalk sheds, construction containers or any other construction equipment.

(2) Signage along series of excavations or street openings.

(i) Permittees must post signs at 100 foot intervals along a series of excavations or continuous cut, indicating the following:

(A) the name of the permittee conducting the work;
(B) the name of the entity for whom the work is being conducted;
(C) the name(s) of the subcontractor(s);
(D) the permittee's telephone number for complaints;
(E) the contractor's telephone number, if not the permittee;
(F) the permit number;
(G) the purpose of the excavation or street opening; and
(H) the start and scheduled completion dates of the work.

(ii) Such signs must be conspicuously displayed and face the nearest curb line. Such signs must be easily visible and readable by pedestrians, and must conform to the Department's specifications.

(3) Construction Project Informational Signs. Permittees must post Construction Project Informational Signs for any project with a projected completion time of three months or more, or as otherwise directed by the Commissioner.

(i) At least on Construction Project Informational Sign must be posted on each block segment where the project is located, and must be easily visible and readable by pedestrians, unless otherwise directed by the Commissioner. The sign(s) must be kept in good condition, and must conform with the Construction Project Information Sign specifications which are available at the Department’s Permit Offices and on the Department’s website.

(ii) Such signs must contain the following information:

(A) the names of the entities responsible for the project, including but not limited to the contractor, developer, and property owner;
(B) the telephone number, email address, and website for such entities responsible for the project;
(C) the name of the project and the project number (if any);
(D) the address of the project;
(E) the nature of the project;
(F) a brief description of the project; and
(G) the start and scheduled completion dates of the project.

(iii) Construction Project Informational Signs are not required for any construction or demolition project requiring a New York City Department of Buildings permit and whose site is enclosed with a fence or contains a sidewalk shed. Such signs must comply with the applicable requirements of the New York City Building Code and the rules of the New York City Department of Buildings.

(d) Corrective action request (CAR).

(1) A CAR may be served either personally, by mail and/or by e-mail on the person responsible for the work and/or the condition which requires correction at his or her last known address, e-mail address or at the address or e-mail address for such person contained in the records of the Department. Where a CAR is served for a violation of §19-147 of the Administrative Code,

in the case of a utility company, the CAR may be given orally or in writing to a person or at a place designated by the utility and the utility shall respond within twenty-four (24) hours.
(2) Any corrective action required by the CAR shall be performed within thirty (30) days of the issuance of the CAR unless such issuance is protested as provided herein.
(3) Within fourteen (14) days after the date of mailing of the CAR, unless a different time is specified on the CAR or in these rules, the respondent may protest the issuance of the CAR in the manner directed on the CAR.
(4) Protests shall be reviewed by the Department and a final determination regarding the protest shall be made within a reasonable period of time.
(5) If a protest is denied, any corrective action required by the CAR shall be performed within thirty (30) days after the date of such denial.
(6) In the event that the original permit has expired before the corrective action is undertaken and an additional excavation is necessary, a new permit shall be obtained in order to complete the required work. The new permit shall not affect the guarantee period, which will relate back to the original permit. If a permittee is performing restoration work that does not entail an additional excavation or re-grading of hardware, a new permit shall not be required by the Department.
(7) Where a CAR relates to a violation of §19-147 of the Administrative Code and no corrective action is taken within the applicable time or where an imminent danger to life or safety exists, the Department may perform the work required by a CAR or the work necessary to avert the danger and charge the cost to the person responsible for restoring, replacing or maintaining the pavement, sidewalk, curb, gutter or street hardware in accordance with such section.
(8) Notwithstanding the above, where a condition exists that creates an imminent danger to pedestrians or vehicles, the Department may issue a priority CAR, which shall require corrective action to be taken within three (3) hours of issuance of the CAR by telephone call. The Department may also issue a priority CAR via email requiring corrective action to be taken within three (3) hours of issuance; however, should a priority CAR be issued via email, a follow-up telephone call must also be placed to the permittee.
(9) In the event that a CAR is issued within the guarantee period, the corrective action shall still be taken even after the expiration of the guarantee period.

(e) Orders.

(1) Except as otherwise provided by these rules or other applicable law, any orders issued by the Commissioner may be served personally or by mail addressed to the last known address of the person to whom the order is directed or to the address for such person set forth in the records of the Department or by delivery or mailing to a person or a location designated by the person to whom the order is directed.
(2) Except as otherwise provided by these rules, a person to whom an order is directed shall have an opportunity to be heard within five business days after a timely request for such opportunity is received by the Department. A request shall be made within the time and in the manner directed on the order. If, after considering the written objections of the respondent, the Commissioner affirms the order, the work required by the order shall be completed within 30 days after notice of such determination is mailed to the respondent.
(3) Notwithstanding the foregoing provisions, an order to cease and desist may be given orally or in writing to the persons executing the work and shall require immediate compliance therewith.
(4) In accordance with §19-151 of the Administrative Code where a respondent fails to comply with an order issued by the Commissioner, including an order to cease and desist, within the applicable time, the Commissioner may execute the work required to be executed in such order. All costs and expenses of the City for such work may be recovered from the persons who are found to be liable for the violation.

(5) In addition, failure to comply with an order issued by the Commissioner may result in criminal or civil penalties in accordance with §19-149 or 19-150 of the Administrative Code.

(f) Fees.

(1) The fees for permits and CARs are specified in §2-03 of these rules.

(2) Permits shall be valid for fifteen calendar days, unless otherwise specified on the permit. Permits may be extended for 14 days upon presentation of proof that circumstances beyond the permittee's control caused a delay in the work and payment of an additional fee. In the event a permittee fails to complete the work within the time period specified in the permit, another permit may be issued for a period of time to be specified by the Commissioner. There shall be a separate permit fee for each such additional permit.

(3) Payment of all fees shall be received upon application for the permit or, where applicable, no later than thirty calendar days after the billing date.

(g) Notice of street operations.

(1) Permittees and owners of underground facilities shall comply with state Industrial Code Rule No. 53 relating to Construction, Excavation and Demolition Operations at or Near Underground Facilities.

(2) Permittees shall notify the Police Department and the communications center of the Fire Department of all construction activities requiring street closing at least twenty-four hours in advance of the commencement of non-emergency work.

(3) In the event that any non-emergency construction work results in the closing of

(i) more than two-thirds (2/3) of the moving lanes per direction on any street for more than 15 minutes per hour between the hours of 1 a.m. and 5 a.m., or

(ii) half (50%) or more of the moving lanes per direction on any street or limited access roadway, for a duration of more than four minutes or two traffic light cycles of the nearest traffic signal, whichever is less, during all other hours,

the permittee shall post at the site of the closing a public notification seven (7) calendar days prior to such closing in a manner directed by OCMC.

(h) Work site safety. All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours pursuant to §2-01.1 of these rules. During twilight hours the flags shall be replaced with amber lights. Permittees shall also comply with any additional work site safety requirements set forth in these rules or in the permit.

(i) Waivers.

(1) Except where expressly prohibited by law, the Commissioner may, in his/her discretion, waive or modify these rules, in the interests of public safety and convenience.

(2) Requests for waivers shall be submitted in writing to the Commissioner.

(j) Suspension of application review. The Commissioner may suspend review of applications for permits pending:

(1) payment by an applicant of outstanding fines, civil penalties or judgments imposed or entered against such applicant by a court or the environmental control board,

(2) payment by an applicant of outstanding fees or other charges lawfully assessed by the Commissioner against such applicant pursuant to these rules or other applicable law and/or

(3) satisfactory compliance by an applicant with a CAR or order issued by the Commissioner.

(k) Permit revocation and refusal to renew permit.

(1) The Commissioner may, after giving the permittee notice and an opportunity to be heard, revoke or refuse to renew a permit:

(i) for failure to comply with the terms or conditions of such permit, these rules or other applicable law in carrying out the activity for which the permit was issued;

(ii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of the permit was based; or

(iii) whenever a permit has been issued in error and the conditions are such that the permit should not have been issued.

(2) Prior to taking any of the actions listed in paragraph (1) above, the Commissioner shall give the permittee an opportunity to be heard upon not less than two days notice.

(3) Notwithstanding any inconsistent provision of paragraph (2) above, if the Commissioner determines that an imminent peril to life or property exists, the Commissioner may revoke a permit without affording the permittee an opportunity to be heard prior to such revocation. Upon request of the permittee, the Commissioner shall afford the permittee an opportunity to present his or her objections to such action within five days after such request is received by the Department.

(l) Refusal to issue permit. The Commissioner may refuse to issue a permit to an applicant:

(1) who has exhibited a pattern of disregard for the rules or orders of the Department or the terms or conditions of permits issued by the Department or for other applicable law,

(2) who has been found liable by a court or in a proceeding before the environmental control board of a violation of a rule or order of the Department or the terms or conditions of a permit issued by the Department or other applicable law, which violation caused an imminent peril to life or property.

(m) Embargo periods.

(1) All routine work shall be suspended during an embargo period unless approval for the work is granted by OCMC. Such suspension shall not apply to emergency work, for which an emergency number shall be obtained by the permittee pursuant to the provisions of §2-11 of these rules. Information regarding embargo periods is on file at each borough permit office and is available upon request. It is the responsibility of each permittee to obtain such information prior to the commencement of any work. It shall be a violation of these rules to do any work on the street during an embargo period without the prior approval of OCMC or an emergency number.

(2) A request for approval to work during an embargo shall be submitted on a form provided by the Commissioner, along with a fee as specified in §2-03 of these rules. Payment of the application fee shall not guarantee that approval to work during the embargo period will be granted and application fee is in addition to any required permit fees.

(n) Voiding and reissuing of permits. Permits may be voided and reissued only within three business days of issuance. See §2-03 for the fee for reissuance. Permits reissued after three business days shall be subject to the full permit fee.

Section 2-03

SCHEDULE OF FEES

All fees shall be paid in accordance with the following fee schedule:

Permit Or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Street Opening Permits – General:					
Normal street	$135.00		15 days	300 linear ft. (lin. ft.)	12 feet
Protected street	$135.00	$245.00 inspection fee	15 days	300 lin. ft.	12 feet
Emergency work	$45.00		2 business days	300 lin. ft.	12 feet
Specific Types of Street Opening Permits:					
Open sidewalk to install foundation	$135.00		30 days	300 lin. ft.	sidewalk (SW) width
Major installations-electric conduit	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-gas pipe	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-steam pipe	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-telephone line	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Transformer vault-in roadway	$135.00, $380.00 protected street		15 days to 30 days	300 lin. ft.	variable
Transformer vault-in sidewalk	$135.00		15 days to 30 days	300 lin. ft.	SW width
Installation and/or removal of poles	$135.00		30 days	2 sw flags	SW width
Major installations-water	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Major installations-cable	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Major installations-sewer	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	12 feet
Rapid transit construct/ alteration	$135.00, $380.00 protected street		30 days (90 days with OCMC approval.)	300 lin. ft.	Variable or SW width
Installation of public telephone stanchion	$135.00		30 days	Not Applicable	SW width
Installation of newsstand	$135.00		30 days	As per approved plans	As per approved plans
Repair water connections/mains	$135.00, $380.00 protected street	$10.00 minimum for tunneling &/or jacking Excess over 1st 10 ft., $1.00 per ft.	15 days to 30 days	300 lin. ft.	12 feet
Repair sewer connections/main	$135.00, $380.00 protected street		15 days to 30 days	300 lin. ft.	12 feet
Repair water and sewer connection/mains	$135.00, $380.00 protected street		15 days to 30 days	300 lin. ft.	12 feet
Install or replace fuel oil line	$135.00		15 days	300 lin. ft.	SW width
Vault construction, alteration, or repair	$135.00		30 days	300 lin. ft	As per approved plan
Reset, replace, install or repair curb	$135.00		30 days	As required, up to 300 lin. ft.	Not applicable
Pave roadway	$135.00		15 days	300 lin. ft. & as per approved plan	As per approved plan
Tree pit	$135.00		30 days	300 lin. ft.	Variable based on SW width
Construct or alter utility access chamber	$135.00, $380.00 protected street		15 days	300 lin. ft.	12 feet

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Adjust hardware casting	$135.00		15 days	300 lin. ft.	12 feet
Access to utility chamber in restricted zone during restricted hours	$30.00		Uninterrupted emergency period	300 lin. ft.	12 feet
Repair gas connections/mains	$135.00, $380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Repair steam connection/mains	$135.00, $380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Repair electric/ communication lines	$135.00, $380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Test pits, cores or boring	$135.00, $380.00 protected street		15 days	300 lin. ft.	Not applicable
Conduit construction (cable, telecommunication) & franchise	$135.00, $380.00 protected street		15 days	300 lin. ft.	12 feet
Major installation - franchise	$135.00, $380.00 protected street		30 days (90 days with OCMC approval)	As per approved plans	As per approved plans
Erect canopy	$135.00		30 days	Not applicable	SW width
Install street furniture	$135.00		30 days	Not applicable	Not applicable
Land fill	$135.00	Inspection fee of $25.00 for 1st 400 cubic yards. Excess over 400 cy at $0.05 per cy.	30 days	Not applicable	Not applicable
Private sewer	$135.00, $380.00 protected street		30 days	300 lin. ft.	12 feet
Install fence	$135.00		30 days	300 lin. ft.	Not applicable
Install traffic signals	$135.00, $380.00 protected street		30 days	300 lin. ft.	Not applicable

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Install or repair petroleum pipelines/monitoring and recovery systems	$135.00, $380.00 protected street		30 days	300 lin. ft.	12 feet or SW width
Installation of fire alarm box	$135.00		30 days	Not applicable	SW width
Fee for review of request to work during an embargo period	$135.00				
Installation of bus shelter	$135.00		30 days	As per Division of Franchises	As per Division of Franchises
Construction Activity Permits **Types of Construction Activity Permits:**					
Place material on street	$50.00	$30.00 per month inspection fee	3 months	300 linear ft. but not more than 80% frontage may be encumbered.	8 feet
Crossing sidewalk	$50.00		3 months	2 crossings at 12 ft. wide within 300 linear ft.	SW width
Place crane on street	$50.00 per week or part thereof.	$100.00 inspection fee	1 week	Variable	Not more than one third width of roadway
Place equipment other than crane on street	$50.00		3 months	300 lin. ft.	12 feet
Place shanty or trailer on street	$50.00		3 months	Variable	12 feet
Temporary pedestrian walk in roadway	$50.00		3 months	300 lin. ft.	
Install or change pavement markings, construction signs, and supports	$50.00		90 days		
Hang temporary festoon/holiday lighting and/or other temporary lighting	$50.00		90 days		
Install decorative planters on street	$50.00		1 year		
Install bicycle rack	$50.00		1 year		
Temporary closing of roadway	$50.00		3 months		

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Temporary sidewalk closing	$50.00		3 months		
Placement of containers for construction waste debris	$50.00		90 days	300 lin. ft.	12 feet
Sidewalk Construction Permits:					
Repair/construct sidewalk	$70.00		30 days	300 lin. ft. or per block and lot	SW width
Licenses:					
Vault License	$35.00	$2.00 per sq. ft.			
Canopy Permits	$50.00		1 year		
Canopy in connection with a sidewalk cafe license	$25.00		1 year		
Miscellaneous Charges and Fees:					
Subpoenas	$15.00				
Removal of banners, canopies, signs and other encroachments and obstructions	cost of labor and materials				
Storage fee for removed banners, canopies, signs and other encroachments and obstructions	$15.00 per day				
CARs	$40.00				
Backcharges and JETS	$134.00 per sq. yd.				
Extension of Permit	$40.00		14 days		
Place commercial refuse container on street	$30.00		5 consecutive days		9 feet
Application review fee for placement of commercial refuse container on street in restricted area as defined in §2-14(f)(4)	$30.00 per application				
Reissuance of permit within three business days	$15.00		duration of original permit		

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Renew temporary security structure	$50.00		Six months	300 lin. ft.	Not applicable
Filing of Sidewalk, Curb and Roadway Application (SCARA) - Plan Type A	No Fee		one year		
Filing of SCARA- Plan Type B	$35.00 Filing Fee		one year		
Filing of SCARA- Plan Type C	$2.00 per lin. ft.		one year		
Filing of SCARA- Plan Type D	$4.00 per lin. ft.		one year		
Filing of SCARA- Plan Type E	$4.00 per lin. ft.		one year		
Filing of SCARA- Plan Type F	$8.00 per lin. ft.		one year		
Install temporary security structure	$50.00		One year	300 lin. ft.	Not applicable
City adjustment of street hardware to meet pavement	$125.00		Not applicable	Not applicable	Not applicable
Install overhead shunt	$0.00		90 days	Building to nearest pole or pole to nearest other pole	Not applicable
Install street shunt	$50.00		90 days	300 lin. ft.	Not applicable
Install wrap-around shunt	$0.00		90 days	Per shaft	Not applicable

Section 2-04

CANOPIES

(a) Permit required. No person shall erect or maintain a canopy over the sidewalk without obtaining a permit from the Commissioner. The canopy shall be adequate for public safety and convenience and shall respect the special circumstances of the particular site or street and shall not detract from public use of the sidewalk. Canopy permits may be issued for the entrance to a building, or place of business within a building.

(b) Permit fees.

(1) The fee for the issuance of a canopy permit shall be $50 per year.

(2) The fee for the issuance of a canopy permit in connection with a sidewalk cafe license shall be $25.

(c) Conditions.

(1) Canopy permits shall not be issued for:

(i) placement on streets listed in subdivision f of this section;

(ii) placement within the following: fifteen feet of fire hydrants or bus stop zones; beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counter-balanced stairs or so as to obstruct any exit from a building; within the area created by extending the building line to the curb (the "corner") or within the area from ten feet of either side of the corner (the "corner quadrant"); five feet of tree pit edges, four feet of street lights and utility hole or transformer vault covers or gratings; three feet of parking meters; or

(iii) placement without written approval from the property owner; or

(iv) placement without written approval from the Department of Consumer Affairs for locations licensed by the Department of Consumer Affairs; or

(v) placement at locations deemed by the Commissioner as inadequate with respect to public safety and convenience.

(2) Canopies shall not be permitted above underground street access covers, vault covers, gratings, or cellar doors which require access.

(3) Canopy design and construction shall be in accordance with the Department's standard details of construction.

(4) Owners shall be responsible for the removal of a canopy within ten days when so directed by the Commissioner for necessary street construction.

(5) Advertising on a canopy is prohibited. The house or street number and/or firm name or filed trade name may appear on a canopy as prescribed by the Zoning Resolution of the City of New York. However, descriptive words contained in the firm name or filed trade name tending to advertise the business conducted on the premises are prohibited. Lettering may include logo art for the purpose of business identification only.

(6) All canopy permits shall be posted in a conspicuous place at the entrance for which the permit is issued.

(d) Maintenance.

(1) Canopies shall be well maintained at all times.

(2) The covering shall be kept clean, free from accumulation of snow and ice and free from rips and tears, discoloration, fading, sagging, graffiti, etc.

(3) Canopies with metal frameworks shall be painted as needed, but at least every five years.

(4) All structural members shall be kept free of rust and surface imperfections (smooth to the touch).

(e) Permit expiration, renewal and transferability.

(1) Each permit shall expire one year from the date of issuance, unless revoked sooner by the Commissioner. Applications for renewal of canopy permits shall be made at least one month prior to permit expiration dates.

(2) Canopy permits shall not be transferable from person to person or from the location of original issue.

(3) Notwithstanding any inconsistent provision of this section relating to the location of a canopy, where a permit was issued for a canopy erected prior to May 19, 1995 under the rules in effect prior to that date, a renewal permit may be issued for the continued maintenance of such canopy at such location provided that:

(i) The canopy is at the same location and was not altered on or after May 19, 1995;

(ii) The canopy is not on a street listed as restricted in subdivision f of this section; and

(iii) The department performs an on-site inspection and determines that the canopy does not present a hazard to public safety and convenience. For the purposes of this provision, hazards for which the department will refuse the renewal of a permit shall include, but not be limited to, the location of a canopy within fifteen feet of a fire hydrant or bus stop, beneath or obstructing a fire escape or within a corner or corner quadrant.

(f) Placement of canopies. The following categories of restricted streets are established:

(1) Fully Restricted Streets. No canopy may be erected or maintained on the below listed streets:

(i) Borough of Manhattan:

(A) Fifth Avenue: West 34th Street to West 59th Street
(B) Sixth Avenue: West 34th Street to West 59th Street
(C) 34th Street: West side of Fifth Avenue to East side of Eighth Avenue
(D) 42nd Street: East side of Eighth Avenue to West side of Third Avenue
(E) Seventh Avenue: South side of 33rd Street to North side of 34th Street
(F) Broadway: Chambers Street to Battery Place
(G) Whitehall Street: Beaver Street to Water Street
(H) Wall Street: Broadway to South Street
(I) Broad Street: Wall Street to Water Street
(J) Sixth Avenue: West 4th Street to West 8th Street
(K) West 8th Street: Sixth Avenue to Fifth Avenue
(L) East 8th Street: Fifth Avenue to Fourth Avenue
(M) Astor Place: Broadway to 3rd Avenue
(N) St. Mark's Place: 3rd Avenue to 2nd Avenue
(O) 72nd Street: Broadway/Amsterdam Avenue to Columbus Avenue

(2) Partially Restricted Streets. The erection or maintenance of canopies on the streets listed below is limited to one building entrance only, except that hotels and apartment houses may erect and maintain canopies over all their entrances and restaurants may erect and maintain a canopy over one entrance separate and distinct from the building entrance, if any.

(i) Borough of Manhattan

(A) Fifth Avenue: West 12th Street to West 34th Street
(B) Madison Avenue: East 23rd Street to East 96th Street
(C) Park Avenue: East 46th Street to East 60th Street
(D) 43rd Street to 60th Street: Sixth Avenue to Lexington Avenue
(E) Riverside Drive: George Washington Bridge to West 135th Street
(F) Morningside Avenue: West 116th Street to West 125th Street
(G) Central Park West: West 60th Street to West 75th Street
(H) South Street Seaport
(I) Nassau Street Mall

(ii) Borough of Brooklyn

(A) Ocean Parkway: Belt Parkway to Prospect Park
(B) Ocean Avenue: Flatbush Avenue to Avenue Z
(C) Plaza Street: Eastern Parkway to Prospect Park West
(D) Eastern Parkway: Plaza Street to Ralph Avenue
(E) Fulton Street Mall
(F) Stuyvesant Avenue: Fulton Street to Madison Avenue
(G) Kings Highway: Bay Parkway to Rockaway Parkway

(iii) Borough of the Bronx

(A) Grand Concourse: 158 Street to 179 Street
(B) Pelham Parkway: Cruger Avenue to Hutchinson River Parkway

(iv) Borough of Queens

(A) Jamaica Avenue: 168 Street to Cross Island Parkway
(B) Hillside Avenue: 179 Street to the City Line

(v) Borough of Richmond

(A) Hylan Boulevard: Fingerboard Road to Tysens Lane
(B) Victory Boulevard: Bay Street to Willowbrook Road
(C) Richmond Avenue: Richmond Terrace to Forest Avenue
(D) New Dorp Lane: Richmond Road to Hylan Boulevard

(g) Design criteria.

(1) Size limitations of canopies.

(i) Width. Canopy width is limited to the width of the building entrance or the place of business, as defined by the doors leading into the building or place of business, but in no case shall the width be less than 4 feet nor more than 10 feet, unless authorized in writing by the Commissioner or as required by the Commissioner.

(ii) Height. The bottom of any portion of the canopy covering shall not be less than eight feet above the sidewalk and the top of any portion of the canopy covering shall not exceed 12 feet above the sidewalk, unless authorized in writing by the Commissioner.

(iii) Length. The canopy shall extend from the building line to within a minimum of eighteen inches and a maximum of twenty-four inches from the face of the curb line.

(2) Canopy design and construction shall conform to Standard Details of Construction H 1029. Canopy shall be fully roofed.

(3) Certification by the manufacturer that the covering is flameproof shall be submitted with the permit application. Where certification is unobtainable from the manufacturer, certification by the installer may be submitted instead.

(4) Lettering on covering.

(i) The height of lettering on any side of a canopy shall not exceed 12 inches, as specified in the Zoning Resolution.

(ii) The painting, imprinting, or stenciling authorized in the above paragraph (4)(i) shall be limited to a single horizontal line of lettering, and with a cumulative surface area not exceeding twelve (12) square feet per side. It shall be lawful to paint, imprint or stencil directly upon a canopy within the character and area limitations prescribed by the Zoning Resolution of the City of New York.

(5) Lighting and Illumination.

(i) The area under the canopy shall be lighted to a minimum of thirty foot candles when the canopy is within twenty feet of a lamppost. Illumination shall be limited to the underside of the canopy. Neon lights are not permitted. Fluorescent light fixtures shall have the bulbs covered so they are not visible. Illumination sources shall be installed so that they do not protrude below the bottom of any portion of the canopy covering.

(ii) All electrical work shall be done by a licensed electrician.

(6) Side curtains are not permitted.

(7) Supporting framework shall be constructed of metal members.

(i) Vertical uprights shall be of sufficient size and strength and shall be no less than a standard steel pipe, one and one-quarter inches in diameter and not exceeding three inches in diameter. Where a special construction is used instead of pipe, the design shall be equivalent to the above valid minimum pipe standard approved by the Commissioner. The vertical uprights shall be imbedded in an independent concrete footing of adequate size, designed to sustain all anticipated loads.

(ii) Intermediate vertical upright supports are not permitted except for additional upright supports at the face of the building. Such additional upright supports shall not extend more than 18 inches of the property line.

(iii) Diagonal bracing at vertical upright supports is not permitted, except where required for wind bracing. Permissible wind bracing supports shall be constructed parallel to the curb line and shall extend outward no more than eighteen inches from the vertical upright.

(h) Application.

(1) Applications for canopy permits shall include:

(i) A statement of the basic construction details including the following:

(A) type, description and color of the canopy covering;

(B) type, diameter and gauge of all supporting members;

(C) description of the frame, wind bracing assembly and sidewalk and building fastenings;

(D) description of proposed lettering on canopy covering, including exact wording and dimensions thereof;

(E) five inch by seven inch photograph of the proposed site.

(ii) A sketch showing the canopy dimensions, location and all street facilities within fifteen feet of both sides of the canopy.

(iii) A certificate that the covering is flameproof.

(iv) Consent of the Landmarks Preservation Commission for the erection of a canopy in a designated landmark historic district or attached to a building that has Landmark's historic designation.

(2) Permit requirements. All permits are subject to applicable provisions contained in §2-02 of these rules.

(i) Removal of unauthorized canopies. Pursuant to §19-124 of the Administrative Code, the Commissioner may serve an order upon the owner of any premises requiring the removal of any unauthorized canopy. Upon the owner's failure to comply with such order within the time specified, the Commissioner may remove such canopy or cause the same to be removed, at the owner's sole cost and expense.

(j) Miscellaneous. No attachments of any kind or in any manner are permitted on a canopy, including, but not limited to:

(1) Temporary or permanent signs

(2) Balloons

(3) Streamers

(4) Flags

(5) Banners

(6) Pennants

Section 2-05

CONSTRUCTION ACTIVITY

(a) Permit required.

(1) A separate construction activity permit is required for each of the following activities, except where otherwise provided by these rules or by permit stipulations:

(i) Placing construction material on street during working hours

(ii) Placing construction equipment other than cranes or derricks on the street during working hours

(iii) Temporarily closing sidewalk

(iv) Constructing temporary pedestrian walk in roadway

(v) Temporarily closing roadway

(vi) Placing shanty or trailer on street

(vii) Crossing a sidewalk

(viii) Placing crane or derrick on street during working hours

(ix) Storing construction material on the street during non-working hours

(x) Storing construction equipment on the street during non-working hours

(2) Permits for construction activity involving building operations shall be obtained only by the general contractor or the construction manager.

(b) Permit requirements. All permits are subject to applicable provisions contained in §2-02 of these rules.

(c) Conditions.

(1) Permits shall be kept on the job site or at the designated field headquarters at all times and shall be made available for inspection.

(2) All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours pursuant to §2-01.1 of these rules. During twilight hours the flags shall be replaced with amber lights.

(3) All permittees shall notify the Police Department and the communications center of the Fire Department of all construction activities requiring street closing at least twenty-four hours in advance of the commencement of non-emergency work.

(4) Permittees may be required to obtain approval(s) from OCMC or from a designee of the Commissioner.

(5) All permittees shall comply with the provisions of subdivision (g) of §2-02 of these rules, if applicable.

(d) Conditions for the placement or storage of construction material and equipment (other than cranes) on the street.

(1) Sidewalks shall be kept clear for pedestrian passage and the curbline shall be kept clear and unobstructed for drainage purposes.

(2) The street shall be protected with proper covering to prevent damage; e.g.: planking, skids, plating, pneumatic tires, before construction material or equipment, including containers are placed on the street. All planking and skids for containers must be a minimum of $1^1/_2$" to a maximum of 3" thick. Overall size must be a minimum of 12"×12" and the placement of the protective covering must not exceed the outer dimensions of the container. Protection shall be placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be done upon delivery by the managing agent, distributor, or owner of the container.

(3) The name, address and telephone number of the owner shall be printed on two sides of each container used for construction debris. This requirement does not apply to convex

containers (commonly referred to as shipping or cargo containers), which are not permitted on City streets unless otherwise authorized by the Commissioner.
(4) Each container shall be stored in an area designated by the Commissioner for the storage of construction material.
(5) All containers shall be clearly marked on all four sides with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.
(6) No temporary hoist or scaffold shall be erected on or over a roadway without review of site plans by OCMC, approval of such plans by the Commissioner and a permit from the Department of Buildings.
(7) No temporary fence which extends more than three feet onto the street shall be erected on the sidewalk without the Commissioner's approval of the location and a permit from the Department of Buildings.
(8) Construction material or equipment shall not be stored or placed within:
- **(i)** five feet of railroad tracks;
- **(ii)** three feet of any city-owned electrical systems equipment including, but not limited to, signal and lamp posts, ITS systems, cameras, panel and/or junction boxes, provided that access to the equipment is maintained at all times;
- **(iii)** fifteen feet of hydrants or water sampling stations;
- **(iv)** the area created by extending the building line to the curb (the "corner") or within the area from ten feet of either side of the corner (the "corner quadrant");
- **(v)** any "No Standing" zone; or
- **(vi)** stored at a height greater than five (5) feet, unless such construction material or equipment is a nondivisible load which exceeds five (5) feet in height, or unless otherwise authorized by the Commissioner.

(9) Permittees shall comply with all rules or permit conditions relating to interference with access to subway facilities, fire alarms, street signs, parking meters, emergency telephones, water main valves, utility facilities and any city-owned electrical equipment including, but not limited to, cameras, ITS, street light and signal poles, panel and/or junction boxes.
(10) Space shall be provided within the storage area for loading and unloading construction materials and for all other permissible operations.
(11) The storage area shall be clearly delineated on all sides with barricades, fencing, railing or other safety devices reflectorized and/or illuminated pursuant to §2-01.1 of these rules.
(12) For the purpose of mixing mortar, concrete or other materials, or to bend steel reinforcement bars, surface protection shall be provided.
(13) Mortar boxes for hand mixing shall not extend beyond the area permitted for the storage of materials on the street.
(14) Storage space shall not exceed eighty percent of each linear frontage of the plot on which the buildings are to be constructed, altered or demolished; nor shall more than one-third of the roadway width, with a maximum of one lane measured from the curb, be encumbered with construction material unless a street closing permit is obtained.
(15) The Commissioner may direct that construction material stored or placed within the street line, particularly in a critical area, be confined to the sidewalk frontage area where the building is to be constructed, altered or demolished. The permittee shall enclose the sidewalk storage area with a four foot high barricade or fence pursuant to §2-01.1 of these rules and shall provide adequate lighting and a minimum of five feet of clear pedestrian passage. A temporary partial sidewalk closing permit shall be required.
(16) All equipment hoses, cables, or wires carried overhead across the sidewalk shall have fourteen (14) feet minimum clearance.

(17) All equipment hoses, cables, or wires placed on the sidewalk while in use shall be bridged and protected by warning signs and/or lights.

(18) A construction activity permit shall be required for a truck crane (boom truck) with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons. A valid copy of a current "Crane Approval and Operations Certificate (CD)" shall be obtained from the Department of Buildings when a "Certificate of On-site Inspection" is not required.

(e) Temporarily closing sidewalk. A temporary partial sidewalk closing permit shall be required when more than three feet from the property line is obstructed by a fence. A temporary full sidewalk closing permit shall be required when a minimum clear sidewalk passage of five feet cannot be maintained for pedestrians.

(f) Temporary pedestrian walkway in roadway.

(1) The Commissioner may require permittees to construct temporary pedestrian walkways on the roadway when adequate pedestrian passage cannot be maintained on the sidewalk.

(2) If a pedestrian walkway in the roadway is not required, warning signs advising pedestrians to use the opposite sidewalks shall be placed and maintained at each corner or as otherwise directed.

(g) Temporarily closing roadway.

(1) A roadway closing permit is required for closing one or more lanes of the roadway.

(2) A roadway closing permit is required during blasting operations and the firing of shots.

(h) Placement of shanties or trailers on the street.

(1) A permit shall be required to place a construction shanty, trailer, or similar structure on the street.

(2) Placement of shanties or trailers is subject to the same restrictions as the placement of equipment.

(3) Construction shanties or trailers shall be placed within the storage area provided for construction materials.

(4) Shanties and trailers shall be removed from the street when the building structure first floor level is covered by a roof, second floor or a second floor slab, unless otherwise directed by the Commissioner.

(5) Use of a shanty or trailer anywhere on a street as a renting or sales office shall be prohibited.

(6) No lettering or symbols shall be placed on a shanty or trailer except for the name and telephone number of the contractor.

(7) The shanty or trailer shall be lighted or have reflectorized striping on the exterior.

(i) Crossing a sidewalk.

(1) A permit for crossing a sidewalk shall be obtained for the delivery or removal of any construction material or equipment on the street by vehicle or motorized equipment across a sidewalk where there is no approved drop curb (driveway).

(2) A maximum of two sidewalk crossings shall be allowed per each three hundred linear feet.

(j) Placement of cranes and derricks on street. For the purposes of these rules the terms "crane" and "derrick" shall be as defined in the New York City building code.

(1) Permit requirements.

(i) Building operations.

(A) A crane permit shall be required for all cranes and derricks operating in the street on building construction or related activity under the jurisdiction of the Department of Buildings, with the exception of: truck cranes with telescopic, hydraulic or folding booms, over fifty feet and not more than one hundred thirty-five feet with a maximum rated capacity of three tons, for which a construction activity permit has been issued.

(B) A crane permit shall be required for assist cranes with a maximum rated capacity greater than twenty tons to assemble, operate, or disassemble any crane on a street. Assist cranes with a maximum rated capacity of twenty tons or less shall require a Construction Activity Permit.

(C) All permittees shall comply with the rules for power operated cranes, derricks and cableways of the Department of Buildings.

(ii) Street operations.

(A) A crane permit shall be required for all cranes and derricks operating in the street with a maximum rated capacity greater than twenty (20) tons and which are not related to building operations.

(B) A construction activity permit shall be required for all cranes and derricks with a rated capacity of twenty tons or less when used for street related activity and where the activity is not under the jurisdiction of the Department of Buildings. A written statement shall be submitted by the owner of the structure, building or premises, general contractor, construction manager, or authorized agent stating that he/she visited the site and that there are no excavations or retaining walls and that no vaults or subsurface construction exists at the site. If there are excavations, retaining walls, vaults or subsurface construction existing at the site, then an affidavit shall be submitted from a Professional Engineer indicating (1) that the sidewalk or roadway and the supporting sub-grade can safely bear the crane and crane load, (2) that any existing vaults or other subsurface structures are capable of supporting the crane and load, and (3) that the sheeting or retaining walls supporting any excavations adjoining the street area are capable of supporting the crane and load.

(2) Application. All applicants for a permit shall file the following:

(i) A standard application including the following information:

(A) location of the work site;

(B) nature of the work to be performed;

(C) date of commencement of crane operation and estimated completion date;

(D) length of the crane's boom. (Approval of the Department of Buildings is required for cranes with booms over two hundred fifty feet in length, contingent upon passing a satisfactory assembled inspection for each phase. For such cranes, a special review and approval meeting must be held with the Department of Buildings and the applicant.);

(E) model and serial numbers of cranes to be used;

(F) crane/derrick application form #M12;

(G) approval or permit from the Department of Buildings in the case of new structures, renovations or modifications made to a building, or placement of a sign structure; and

(H) daily or annual overdimensional permit.

(ii) A sketch showing:

(A) proposed location of the crane in the work area;

(B) area to be designated for pedestrian passageway;

(C) measures to be taken from safeguarding and protecting pedestrians and for maintaining vehicular traffic, including OCMC stipulations.

(iii) The following documentation from the Department of Buildings:

(A) "Crane Approval and Operations Certificate (CD)" (for all cranes and derricks).

(B) "Application for a Certificate of On-Site Inspection (Crane Notice)".

(C) All plans/amendments related to the operation and movement of the crane.

(3) Placement. All cranes may be placed partially or entirely on the street, in the discretion of the Commissioner, subject to the following conditions and requirements:

(i) A crane shall not occupy more than one third of the roadway width except in accordance with the stipulations set forth in the street closing permit.
(ii) The extreme outer limit of the crane, in any operating or storage position, shall be at least twelve feet from the opposite curb. The Commissioner may issue a street closing permit when a minimum of twelve feet cannot be maintained.
(iii) Cranes equipped with steel tracks shall be supported by:
(A) steel plates; or
(B) timber platforms not less than six inches thick and covering the entire base of the crane.
(iv) The crane and loads shall not exceed 3,500 lbs. per square foot.
(v) For cranes equipped with rubber tires:
(A) the pressure applied to the street surface through outriggers or other elements of the crane shall not exceed 3,500 lbs. per square foot;
(B) the pressure shall be distributed by timber mats, wood planking or steel plates, extending not less than twelve inches beyond the base of the outriggers on all sides and sufficiently thick to uniformly distribute the load pressure including the weight of the crane.
(vi) Each permittee shall ensure that the surface upon which the crane will rest is capable of supporting the above pressures. The permittee shall further expand the size and thickness of the timber platforms, mats and steel plates beyond the minimum requirements stipulated above for all types of cranes, so as not to exceed the bearing capacity of the street. This shall apply to structural streets and streets over underground facilities/structures as well.
(vii) An alternate means of distributing the load may be approved by the Department of Buildings when a "Certificate of On-Site Inspection" is required.
(viii) When any part of the crane requiring a "Certificate of On-Site Inspection" is placed on the street, a statement by a New York State licensed professional engineer shall be filed with the Borough Permit Office certifying:
(A) that the street area and the supporting subgrade can bear the crane load safely. Should the street condition require that the crane and load be distributed over a larger area than afforded by the elements of the crane, the New York State licensed professional engineer shall furnish full dimensional details of load distribution;
(B) that the engineer has taken all necessary measures to ascertain that there is no vault underneath the sidewalk area or that if a vault does exist its roof is sufficiently strong to support the load to be imposed thereon.
(C) that the sheeting or retaining walls supporting any excavations adjoining the street bearing the load capacity are capable of supporting the area carrying the crane and load. When the crane is used to excavate adjacent to itself, the New York State licensed professional engineer shall specify the sheeting or retaining wall reinforcement required to support the crane and load.

(4) Master or special rigger/sign hanger. A "Certificate of Crane On-Site Inspection" is not required for a master or special rigger or a master or special sign hanger working within the purview of his/her license issued by the New York City Department of Buildings. Permissible work under the supervision of a master or special rigger or a master or special sign hanger includes:
(i) the hoisting or lowering of any article on the outside of any existing/completed building;
(ii) the removal or installation of boilers and tanks; and
(iii) the erection, maintenance or removal of signs or sign structures.

(5) Safety requirements.

(i) For purposes of safety, a flagperson(s) shall be assigned at all times during the operation of the crane to coordinate all crane operations with pedestrian and vehicular traffic and to give proper warnings to the crane operator. Exceptions may be granted under the following conditions:

(A) Where OCMC traffic stipulations provide for the crane to be operated in an area that has been closed to vehicular and pedestrian traffic, and

(B) Where the full outward swing of the crane actually does not exceed beyond the barricade and the sidewalk area within the swing of the crane carriage or boom is securely barricaded pursuant to §2-01.1 of these rules to prevent pedestrian traffic or an adequate covered pedestrian walkway is provided.

(ii) When a crane is stored on a street it shall be clearly marked with adequate lighting or with high intensity fluorescent paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination up to a distance of three hundred feet.

(iii) It shall be unlawful for any person other than a crane operator licensed by the Department of Buildings to operate a crane on a street.

(6) Permits for the placements of a crane on the street may be issued for the area from the northern street line of 66th Street to the extreme southernmost tip of Manhattan as specified on the map in subdivision l and in the following limited cases:

(i) When erecting from the street:

(A) a tower or climbing crane which will be operated within building site property lines; or

(B) a temporary platform or permanent plaza within a building site for the placement of a street crane.

(ii) When erecting a structure/building on a building site from the street within one hundred and ten working days when use of a tower or climbing crane is not practicable.

(iii) Temporary crane permits are issued for the erection of a structure for a maximum of one hundred ten working days. Crane usage shall be apportioned between the various stages of erection by the building owner, the general contractor or the construction manager. A working day is defined as each day covered by an active permit, not by the days a crane operates. Several cranes operating simultaneously at the same site shall be credited with one working day for each day covered by the active permit. The one hundred and ten day limit shall not be exceeded. However, extensions may be granted by the Commissioner in extraordinary circumstances.

(iv) Permittees shall be required to delineate the street area authorized for use in blue thermoplastic tape or paint. Upon expiration or revocation of the permit, the permittee shall remove the paint or markings and restore the area to its original condition.

(7) Letter of Credit. To ensure full compliance with all crane permit terms and stipulations the following requirements and procedures apply:

(i) Permittees are required to file a $40,000 Irrevocable Stand-by Letter of Credit.

(ii) The form of the Letter of Credit and the bank upon which it is drawn shall be approved by the Commissioner.

(iii) The term of such Letter of Credit shall be at least one year. Such Letter of Credit may cover multiple crane permit locations.

(iv) If the permittee fails to remove a crane when required or otherwise violates a permit condition, the terms of the Letter of Credit shall provide that the Commissioner may demand a payment of $1,000 a day for the first five days and $2,500 for each day thereafter.

(v) A Letter of Credit shall not be required in the following circumstances:

(A) contractors with licensed operators performing rigging operations, i.e. hoisting or lowering materials or equipment on or off existing buildings;
(B) in special cases, contractors with licensed operators performing rigging operations in conjunction with new building construction;
(C) contractors with licensed operators performing work on elevated railroad or bridge structure engaged in street construction such as pavement removal, trenching or bulkheading, or in the installation and/or repair of underground shafts, sewers and water facilities.

(k) Format to be used for Irrevocable Stand-By Letter of Credit.

Beneficiary
The City of New York
Department of Transportation
Manhattan Street Maintenance Office
Battery Maritime Building, 4th floor
New York, New York 10004
Sir/Madam:
By order of our client (name and address of Permittee), we issue this Stand-By Irrevocable Letter of Credit No. . . . . in your favor for $40,000.00 (Forty Thousand U.S. Dollars) effective immediately for our client's performance under the required Crane Permit(s) for the placement of cranes at the following location(s):

_____

_____

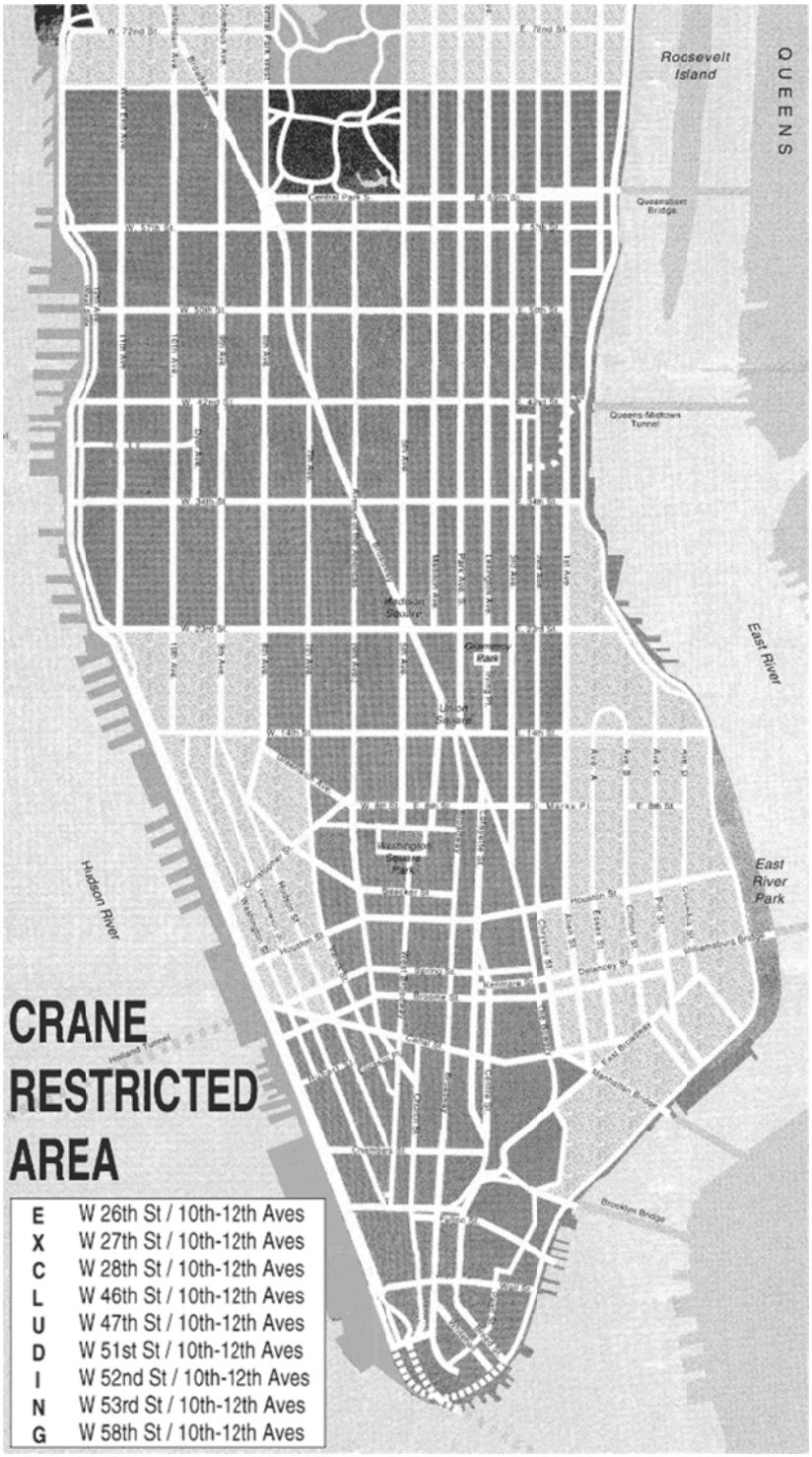
Funds under this Irrevocable Letter of Credit are available by Sight Draft drawn on us accompanied by:

1. A statement signed by the Commissioner of the New York City Department of Transportation or an authorized representative stating that:
   "(Permittee Name) has failed to comply with the terms and conditions agreed to under the permit(s) issued or has failed to remove a crane when required. For this violation the City of New York, acting through its Department of Transportation, is demanding a payment of $1,000.00 (One Thousand U.S. Dollars) a day for the first five days of violation. After five days, payment for the continuing violation is $2,500.00 (Two Thousand Five Hundred U.S. Dollars) a day." "This(these) violation(s) has(have) existed for . . . days and demand is now made for payment of (enter total amount). We have notified (Permittee name and address) in writing that this certification is being presented."
2. A copy of notice given to (Permittee name) referred to in No. 1 above.
3. The original of this Irrevocable Letter of Credit and Amendments, if any.

The Sight Draft shall bear the following clause:
"DRAWN UNDER (Bank Name), LETTER OF CREDIT NUMBER . . . . . DATED . . . . . ."
This Irrevocable Letter of Credit expires at (Bank office address) at the close of business on . . .
This Irrevocable Letter of Credit sets forth in full the terms of our undertaking and such undertaking shall not in any way be modified, amended, or amplified by reference to any document, instrument or agreement referred to herein or to which this Irrevocable Letter of Credit relates and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.
We agree with you that drafts drawn in compliance with the terms of this Credit shall be honored on presentation.

This Irrevocable Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 Revision), International Chamber of Commerce Publication No. 500.

(l) Crane Restricted Area



(m) Pedestrian Traffic Managers

(1) Permittees must deploy pedestrian traffic managers when required by the department for any of the construction activities set forth in this section 2-05. Such requirement shall be set forth in a permit stipulation and may be required where:

(i) the permitted construction activity is located within a high pedestrian volume area, which significantly impacts pedestrian circulation; and/or

(ii) conflicts between pedestrians, bicycles and/or vehicles occur as a result of the construction activity.

(2) When deployed and during their employment and active service, all pedestrian traffic managers must have either:

(i) a minimum of five years of law enforcement experience, or

(ii) a minimum of five years of certified flagger experience and pedestrian traffic manager training.

(3) Law enforcement experience may include but not be limited to New York City Police Department, New York City Department of Corrections, New York/New Jersey Port Authority Police, New York State Police, military police, or other comparable municipal law enforcement agencies. Flagger certification must be from an accredited organization.

Section 2-06

LAND CONTOUR WORK

(a) Permit required.

(1) A permit shall be obtained from the Commissioner to perform land contour work which includes the clearing, grubbing, grading, filling or excavation of vacant lots and other specified land parcels.

(2) The provisions of these rules are also applicable to the disposal site for excavated materials.

(3) All permits are subject to applicable provisions contained in §2-02 of these rules.

(b) Conditions.

(1) No condition shall be created or maintained that interferes with or obstructs existing drainage, unless an alternate drainage plan is provided for in the above plans, subject to approval by the Department of Environmental Protection. The applicant shall provide for conduction of surface waters as required by the Commissioner to the nearest approved Department of Environmental Protection collection point.

(2) Watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water shall not be obstructed by refuse, waste, construction materials, earth, stones, tree stumps, branches, or by any other means that may interfere with surface drainage or cause the impoundment of surface waters either within or beyond the area where land contour work is performed.

(3) All excavations shall be drained. The drainage shall be maintained until the completion of the excavation and pumping shall be used where necessary.

(4) Fill material shall consist of inert, inorganic matter, suitably compacted. No materials shall be used other than clean earth, ashes, dirt, concrete, rock, gravel, stone, slag, or sand. Rocks and masonry shall not be larger than one-quarter of a cubic yard. No material larger than three inches in dimension may be placed within two feet of the surface. For public safety and health, the Commissioner may require a smooth graded surface treated according to the Department specifications with asphalt paving mixture, compacted cinders, stone screening, soil cement mixtures, or seeded or sodded lawn treatment, or other material as required by the Commissioner.

(5) Sodding or planting, where required, shall be completed within thirty days of work completion or as may be permitted by the Commissioner. Safeguards shall be provided to prevent soil erosion in the interval preceding sodding or planting.

(6) Work beyond lot lines shall be subject to the requirements of these rules.

(7) A minimum safety factor of two shall be used against earth slides within the property and the adjacent property. Where two parallel streets are at unequal elevations, the land grading between these two streets generally should be at a constant slope. Where possible the ground should be graded back from the front property line at a grade level with the street for a distance equal to the normal zoning set-back requirement but not less than twenty-five feet before commencing a slope.

(c) Exceptions. A permit is not required for grading work to be performed pursuant to a Department of Buildings permit for the erection of one or more structures, provided that the permit authorizes the grading, and that the work is performed entirely within the building site area.

(d) Application.

(1) The application shall state the following:

(i) name of the land surveyor or New York State licensed professional engineer;

(ii) description of the land contour work;

(iii) work limits and number of linear feet in the work area;

(iv) cubic yards of fill to be placed;
(v) that work areas exceeding ten thousand square feet shall be supervised by a New York State licensed professional engineer. The application shall note the name, address, and telephone number of the New York State licensed professional engineer;
(vi) whether streets adjacent to the land are finally mapped and with whom title of the streets is vested. Prescriptive streets as determined by the corporation counsel shall be deemed as finally mapped.

(2) Applicants for a Land Contour permit shall be the property owner or the owner's authorized representative. The permit application shall be accompanied by:
(i) a statement of property ownership or of authorization by the property owner if work is to be performed by a contractor;
(ii) a statement from the surveyor or New York State licensed professional engineer which states that the work will not cause adverse drainage conditions to the property and adjacent land;
(iii) a plan prepared by a land surveyor or New York State licensed professional engineer.

(3) Applicants shall submit a plan at a minimum scale of 1"=50' or the scale required by the Commissioner. The original mylar plus one paper print filed at the time of permit application shall be drawn according to the Commissioner's standards. The plans shall show the following:
(i) name of the land surveyor or New York State licensed professional engineer;
(ii) existing watercourses, drainage ditches, conduits and other drainage facilities, or like or unlike means of carrying off water, or disposing of property surface water, and the area three hundred feet beyond the property and any additional information as required by the Commissioner;
(iii) existing and proposed grades of the area to be filled or excavated, plotted in contours spaced at five feet intervals or at other intervals as required by the Commissioner;
(iv) direction of all surface water flow before and after completion of land contour work;
(v) statement of the slopes to be maintained and a cross section of the slopes; (vi) soil investigation, including, but not limited to, locating the elevation of the ground water table, whenever required by the Commissioner;
(vii) lines and grades of abutting streets which are legally mapped;
(viii) profile of the existing grade, legal grade and final grade of the abutting street;
(ix) substitute for existing drainage as noted below, subject to approval of the Department of Environmental Protection:
(A) interference with or obstruction of surface course causing drainage to flow in a direction other than a general direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area on which contour work is performed;
(B) increase of surface course drainage in the direction and drainage pattern existing prior to the land contour work tending to cause impoundment or flooding either within or beyond the area in which contour work is performed; and
(C) interference or obstruction of existing watercourses, drainage ditches, conduits and other like or unlike means of carrying off water or disposing of surface water;
(x) proposed provisions for maintenance of existing drainage or for any substitute that shall drain the property adequately and shall provide safeguards against health hazards according to criteria established in consultation with the Department of Health as noted below:
(A) flooding: proposed provisions to eliminate existing conditions of surface water impoundment. The entire area under examination shall be provided within the property. The plans shall indicate the provisions taken to avoid direct flooding of

adjacent properties or intrusion of surface water to existing or planned individual sewage disposal systems; and

(B) small water impoundment: proposed provisions to avoid small water impoundment which may become the breeding area or harborage of insects and other pests. Pests are defined as members of the class insecta and members of the Phylum Arthropoda including spiders, mites, ticks, mosquitoes, centipedes and wood lice.

(xi) provisions for disposal of excavation material.

(4) Certification shall be required from a New York State licensed professional engineer that drainage for a three hundred foot radius around the site will not be adversely affected by grading, and that existing watercourses, if any, will not be disturbed.

(e) Approval required.

(1) Sites designated as Wetlands shall have prior approval from the New York State Department of Environmental Conservation.

(2) Sites in designated Natural Areas or in South Richmond shall require prior approval from the City Planning Commission.

(3) The Commissioner may require that land contour plans be reviewed and approved by the Department of Environmental Protection.

Section 2-07

UNDERGROUND STREET ACCESS COVERS, TRANSFORMER VAULT COVERS AND GRATINGS

(a) General conditions.

(1) Except for work on the critical roadways during restricted times listed in subdivision c of this section, and subject to these rules, underground street access covers, transformer vault covers and gratings may be opened to perform subsurface work without the prior authorization of the Department. During a Department declared embargo, sidewalks shall be included in the restrictions listed in paragraph (5) of subdivision (c) of this section.

(2) Except when emergency work is being performed, if excessive traffic congestion occurs on a roadway where underground street access covers, transformer vault covers or gratings have been opened, any police officer or other person authorized to enforce these rules may direct that the cover or grating openings be closed and the encumbered traffic lane opened until the congestion abates. It shall be a violation of these rules to disobey such a direction.

(3) The opening of covers and gratings shall not restrict more than a maximum of 11 feet of roadway. If such opening results in a full roadway closure, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing. If such opening falls under the provisions of subdivision (g) of §2-02 of these rules, the entity opening the covers or gratings shall comply with all the requirements of such subdivision.

(4) Except for emergency work or where required due to the nature of the work, no more than two consecutive covers or gratings shall be opened at any time on a block segment, including the adjacent intersection.

(5) A permit is required to store material or equipment on the street during non-working hours whether or not the cover or grating opening is in a critical roadway. No such permit shall be required to store tool carts on the sidewalk. No tool cart shall be stored on a sidewalk unless a minimum passage of five feet is maintained on the sidewalk for pedestrians. No tool cart stored on a sidewalk or roadway shall obstruct any hydrant, water sampling station, bus stop or driveway. A permit is required to store tool carts on the roadway. All tool carts shall display the name, address and telephone number of the entity that placed them on the sidewalk or roadway.

(6) Where subsurface work requiring the opening of covers and gratings on a sidewalk is performed and a five foot minimum passageway on the sidewalk cannot be maintained for pedestrians, a temporary sidewalk closing permit shall be obtained.

(7) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

(b) Maintenance requirements.

(1) The owners of covers or gratings on a street are responsible for monitoring the condition of the covers and gratings and the area extending twelve inches outward from the perimeter of the hardware.

(2) The owners of covers or gratings shall replace or repair any cover or grating found to be defective and shall repair any defective street condition found within an area extending twelve inches outward from the perimeter of the cover or grating.

(3) Street hardware shall be flush with the surrounding street surface. Street hardware which is greater than $^{1}/_{2}$" above or below the street surface as measured by a six foot straight edge centered on the hardware shall be replaced or adjusted at the owner's expense.
(4) Owners of underground facilities shall only use covers with their name or registered markings clearly displayed for identification purposes. Owners shall have one year from the date of the adoption of this paragraph to be in full compliance with this paragraph.
(5) Covers shall be clearly identified with markings that are registered with the Department. The owners of covers which are in good condition but lack identifying markings shall place the assigned color code or tag next to the cover or grating in lieu of replacement.
(6) Underground street access covers, transformer vault covers, and gratings shall not be placed in any street over an opening unless they are of a type approved by the Commissioner.

(c) Work in critical roadways.

(1) Except as otherwise provided in paragraphs 2 and 3 of this subdivision, no person shall perform subsurface work requiring cover and grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph.
(2) No person shall perform emergency work requiring cover or grating openings in the critical roadways listed in paragraph 5 of this subdivision at the locations and during the hours specified in such paragraph without an emergency authorization number from the Department.
(3) Notwithstanding the foregoing provisions, subsurface work requiring cover or grating openings may be performed at any time in traffic lanes which are obstructed by street construction authorized by the Commissioner, i.e., by the installation of water mains, sewers, street lighting, traffic control devices, cranes, construction debris containers, or other construction equipment.
(4) Authorization for emergency work requiring cover and grating openings in critical roadways during restricted hours.

(i) An authorization number shall be obtained by the owner of the cover or grating or the authorized agent of the owner by faxing the required DOT request for authorization number form to the Department's Emergency Authorization Unit, unless otherwise directed by the Commissioner. Required information shall include, but not be limited to the following:

(A) Name of permittee
(B) Permittee ID #
(C) Location of emergency (including borough)
(D) Type of emergency (including interruption of service)

(ii) Authorization numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by a Department inspector shall be provided by the permittee and/or the persons performing such work.
(iii) The fee for obtaining an authorization number shall be thirty dollars ($30.00). Such fee shall be paid within fifteen days of billing. The owner shall be responsible for payment of all fees imposed pursuant to this paragraph.
(iv) Emergency work shall be performed on an around-the-clock basis until the emergency is eliminated, at which time the emergency authorization number expires, as specified in subparagraph (ii) of paragraph (2) of subdivision (g) of §2-11 of these rules.
(v) The person performing such emergency work shall inform the Department's Emergency Authorization Unit within twelve hours of the completion of such emergency work.

(5) Critical roadways: Work restrictions apply Monday through Friday (except for the holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day) at the locations (including intersections) and during the hours listed below:

(i) Manhattan

(A) East/West Roadways-Restricted Access 7:00 AM to 8:00 PM

1. 8th Street-Avenue of the Americas to Third Avenue
2. 9th Street-Avenue of the Americas to First Avenue
3. 14th Street-Joe DiMaggio Highway to FDR Drive
4. 20th Street-Avenue C to First Avenue
5. 23rd Street-Joe DiMaggio Highway to FDR Drive/Avenue C
6. 25th Street-FDR Drive to First Avenue
7. 30th Street-Joe DiMaggio Highway to FDR Drive
8. 31st Street-Tenth Avenue to Second Avenue
9. 32nd Street-Seventh Avenue to Second Avenue
10. 33rd Street-Joe DiMaggio Highway to First Avenue
11. 34th Street-Joe DiMaggio Highway to FDR Drive
12. 35th Street-Eleventh Avenue to FDR Drive
13. 36th Street-Eleventh Avenue to FDR Drive
14. 37th Street-Eleventh Avenue to FDR Drive
15. 38th Street-Eleventh Avenue to FDR Drive
16. 39th Street-Joe DiMaggio Highway to First Avenue
17. 40th Street-Joe DiMaggio Highway to First Avenue
18. 41st Street-Joe DiMaggio Highway to Avenue of the Americas
19. 42nd Street-Joe DiMaggio Highway to FDR Drive
20. 43rd Street-First Avenue to Lexington Avenue
21. 43rd Street-Vanderbilt Avenue to Joe DiMaggio Highway
22. 44th Street-First Avenue to Lexington Avenue
23. 44th Street-Vanderbilt Avenue to Joe DiMaggio Highway
24. 45th Street-First Avenue to Joe DiMaggio Highway
25. 46th Street-First Avenue to Eighth Avenue
26. 47th Street-First Avenue to Eighth Avenue
27. 48th Street-First Avenue to Eighth Avenue
28. 49th Street-FDR Drive to Joe DiMaggio Highway
29. 50th Street-Beekman Street to Joe DiMaggio Highway
30. 51st Street-First Avenue to Eighth Avenue
31. 52nd Street-First Avenue to Eighth Avenue
32. 53rd Street-FDR Drive to Eighth Avenue
33. 54th Street-First Avenue to Eighth Avenue
34. 55th Street-Sutton Place to Joe DiMaggio Highway
35. 56th Street-Sutton Place to Joe DiMaggio Highway
36. 57th Street-Sutton Place to Joe DiMaggio Highway
37. 58th Street-Sutton Place to Eleventh Avenue
38. 59th Street-Fifth Avenue to Sutton Place
39. 59th Street-Miller Highway to Columbus Avenue
40. 60th Street-FDR Drive to Fifth Avenue
41. 61st Street-FDR Drive to Fifth Avenue
42. 62nd Street-FDR Drive to Fifth Avenue
43. 63rd Street-FDR Drive to Fifth Avenue
44. 65th Street-Central Park West to Fifth Avenue (Transverse Roadway)
45. 65th Street-West End Avenue to York Avenue
46. 66th Street-Central Park West to Fifth Avenue (Transverse Roadway)
47. 66th Street-West End Avenue to York Avenue
48. 71st Street-FDR Drive to York Avenue

49. 72nd Street-Central Park West to Fifth Avenue (Transverse Roadway)
50. 72nd Street-Central Park West to Henry Hudson Parkway
51. 72nd Street-Park Avenue to Fifth Avenue
52. 73rd Street-FDR Drive to York Avenue
53. 79th Street-Central Park West to Fifth Avenue (Transverse Roadway)
54. 79th Street-Henry Hudson Parkway to Broadway
55. 79th Street-Park Avenue to Fifth Avenue
56. 79th Street-York Avenue to FDR Drive
57. 81st Street-Amsterdam Avenue to Central Park West
58. 84th Street-Park Avenue to Fifth Avenue
59. 85th Street-Park Avenue to Fifth Avenue
60. 86th Street-Amsterdam Avenue to Central Park West
61. 86th Street-Central Park West to Fifth Avenue (Transverse Roadway)
62. 92nd Street-FDR Drive to First Avenue
63. 95th Street-Riverside Drive to Broadway
64. 96th Street-FDR Drive to Fifth Avenue
65. 96th Street-Henry Hudson Parkway to Central Park West
66. 97th Street-Central Park West to Fifth Avenue (Transverse Roadway)
67. 97th Street-FDR Drive to Fifth Avenue
68. 97th Street-Henry Hudson Parkway to Central Park West
69. 106th Street-First Avenue to FDR Drive
70. 116th Street-First Avenue to FDR Drive
71. 125th Street-Henry Hudson Parkway to FDR Drive
72. 135th Street-St. Nicholas Avenue to Harlem River Drive
73. 138th Street-Malcolm X Boulevard to Harlem River Drive
74. 145th Street-Riverside Drive to Harlem River Drive
75. 155th Street-Riverside Drive to Harlem River Drive
76. 158th Street-Henry Hudson Parkway to Broadway
77. 165th Street-Riverside Drive to Broadway
78. 178th Street-Fort Washington Avenue to Amsterdam Avenue
79. 179th Street-Fort Washington Avenue to Amsterdam Avenue
80. 181st Street-Riverside Drive to Amsterdam Avenue
81. 207th Street-Broadway to Ninth Avenue
82. Ann Street-Park Row to Gold Street
83. Avenue of the Finest-Rose Street to Pearl Street
84. Barclay Street-West Street to Broadway
85. Battery Place-West Street to Broadway
86. Bayard Street-Baxter Street to Bowery
87. Beach Street-Varick Street to Avenue of the Americas
88. Beekman Street-Park Row to South Street
89. Broome Street-Varick Street to Clinton Street
90. Canal Street-West Street to Essex Street/East Broadway
91. Catherine Street-Bowery/Division Street to South Street
92. Central Park South-Broadway to Fifth Avenue
93. Chambers Street-River Terrace to Centre Street
94. Christopher Street-Joe DiMaggio Highway to Greenwich Avenue/Avenue of the Americas
95. Clarkson Street-Joe DiMaggio Highway to Seventh Avenue
96. Cortlandt Street-Church Street to Broadway
97. Delancey Street-Clinton Street to Bowery

98. Dey Street-Church Street to Broadway
99. Division Street-Bowery to Canal Street
100. Dominick Street-Avenue of the Americas to Hudson Street
101. Dover Street-Pearl Street to South Street
102. Dover Street-Pell Street to Bowery
103. Duane Street-Greenwich Street to Lafayette Street
104. Dyckman Street-Henry Hudson Parkway to Harlem River Drive
105. East Broadway-St. James Place to Grand Street
106. East Drive-Central Park South to Central Park North
107. Exchange Alley-Broadway to Hanover Street
108. Frankfort Street-Park Row to Pearl Street
109. Fulton Street-Church Street to South Street
110. Grand Street-Varick Street to South Street
111. Harrison Street-West Street to Hudson Street
112. Hester Street-Centre Street to Essex Street
113. Houston Street-Joe DiMaggio Highway to FDR Drive
114. John Street-Broadway to South Street
115. Kenmare Street-Lafayette Street to Bowery
116. Liberty Street-South End Avenue to Pearl Street
117. Madison Street-Avenue of the Finest to Grand Street
118. Maiden Lane-Broadway to South Street
119. Montgomery Street-East Broadway to South Street
120. Murray Street-North End Avenue to Broadway
121. Park Place-Greenwich Street to Broadway
122. Pearl Street-Lafayette Street to St. James Place
123. Pine Street-Broadway to South Street
124. Reade Street-Greenwich Street to Centre Street
125. Rector Street-West Street to Broadway
126. Robert F. Wagner Senior Place-Pearl Street to South Street
127. Spring Street-Joe DiMaggio Highway to Bowery
128. Spruce Street-Park Row to Gold Street
129. St. Marks Place-Third Avenue to First Avenue
130. Thomas Street-Hudson Street to Broadway
131. Vesey Street-North End Avenue to Broadway
132. Walker Street-Beach Street to Canal Street
133. Wall Street-Broadway to South Street
134. Warren Street-Greenwich Street to Broadway
135. Watts Street-Broome Street to Hudson Street
136. West Drive-Central Park South to Central Park North
137. Worth Street-Hudson Street to Park Row (Chatham Square)

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.

(B) North/South Roadways-Restricted Access 7:00 AM to 8:00 PM

1. Allen Street-East Broadway to Houston Street
2. Amsterdam Avenue-59th Street to 72nd Street
3. Avenue C-14th Street to 34th Street
4. Avenue of the Americas-Church Street to Central Park South
5. Battery Park Underpass-Joe DiMaggio Highway to South Street
6. Bowery-Worth Street to Third Avenue/6th Street

7. Broad Street-South Street to Wall Street
8. Broadway-Battery Place to 79th Street
9. Central Park West-59th Street to 66th Street
10. Centre Street-Park Row to Kenmare Street
11. Chrystie Street-Canal Street to Houston Street
12. Church Street-Liberty Street to Canal Street
13. Cleveland Place-Kenmare Street to Lafayette Street
14. Clinton Street-Grand Street to Broome Street
15. Columbus Avenue-59th Street to 66th Street
16. Eighth Avenue-Hudson Street to Central Park South
17. Eleventh Avenue-Joe DiMaggio Highway to 59th Street
18. Essex Street-Canal Street to Houston Street
19. FDR Drive-Whitehall Street to 125th Street
20. Fifth Avenue-Washington Square North to 139th Street
21. First Avenue-Houston Street to 66th Street
22. First Avenue Tunnel-41st Street to 49th Street
23. Fourth Avenue-Bowery to 14th Street
24. Gold Street-Maiden Lane to Frankfort Street
25. Greenwich Street-Battery Place to Gansevoort Street
26. Harlem River Drive-125th Street to Dyckman Street
27. Henry Hudson Parkway-59th Street to Henry Hudson Bridge
28. Hudson Street-Chambers Street to 14th Street
29. Irving Place-14th Street to 20th Street
30. Joe DiMaggio Highway-Battery Place to 59th Street (*Restricted Access 6:00 AM to 8:00 PM)
31. Lafayette Street-Centre Street to 8th Street
32. LaGuardia Place-Houston Street to Washington Square South
33. Lexington Avenue-Gramercy Park North to 129th Street
34. Madison Avenue-23rd Street to 138th Street
35. Nassau Street-Wall Street to Spruce Street
36. Ninth Avenue-Gansevoort Street to 59th Street
37. Norfolk Street-Grand Street to Delancey Street
38. Park Avenue-42nd Street to 66th Street
39. Park Avenue South-17th Street to 42nd Street
40. Park Avenue Tunnel-33rd Street to 40th Street
41. Park Row-Broadway to Worth Street
42. Pearl Street-State Street to Lafayette Street
43. Pike Street-South Street to East Broadway
44. Second Avenue-Houston Street to 66th Street
45. Seventh Avenue-11th Street to Central Park South
46. Seventh Avenue South-Houston Street to 11th Street
47. South Street-Whitehall Street to Montgomery Street
48. St. James Place-Pearl Street to Bowery
49. State Street-Whitehall Street to Battery Place
50. Suffolk Street-Grand Street to Delancey Street
51. Sutton Place/Sutton Place South-53rd Street to 59th Street
52. Tenth Avenue-Joe DiMaggio Highway to 59th Street
53. Third Avenue-Bowery/6th Street to 66th Street
54. Trinity Place-Morris Street to Liberty Street
55. Union Square East-14th Street to 17th Street

56. Union Square West-14th Street to 17th Street
57. University Place-8th Street to 14th Street
58. Vanderbilt Avenue-42nd Street to 47th Street
59. Varick Street-West Broadway to Houston Street
60. Washington Street-Joseph P. Ward Street to 14th Street
61. Water Street-Whitehall Street to Fulton Street
62. West Broadway-Vesey Street to Houston Street
63. West End Avenue-59th Street to 72nd Street
64. Whitehall Street-South Street to Broadway
65. William Street-Broad Street to Spruce Street
66. York Avenue-59th Street to 73rd Street

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 8:00 PM.

(C) North/South Roadways-Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 8:00 PM

1. Adam Clayton Powell Boulevard-Central Park North to 155th Street
2. Amsterdam Avenue-72nd Street to 181st Street
3. Broadway-79th Street to Ninth Avenue/Harlem River
4. Dyckman Street-Harlem River Drive to Henry Hudson Parkway
5. East End Avenue-79th Street to 90th Street
6. FDR Drive Southbound Service Road-92nd Street to 97th Street
7. First Avenue-66th Street to 125th Street
8. Fort Washington Avenue-Broadway/158th Street to 181st Street
9. Lenox Avenue-Central Park North to 145th Street
10. Riverside Drive-72nd Street to Dyckman Street
11. Second Avenue-66th Street to 128th Street/Harlem River Drive
12. St. Nicholas Avenue-Central Park North to 181st Street
13. Tenth Avenue-Dyckman Street to Broadway
14. Third Avenue-66th Street to 128th Street
15. West End Avenue-72nd Street to 106th Street
16. York Avenue-73rd Street to 92nd Street

(D) North/South Roadways-Restricted Access 7:00 AM to 10:00 AM

1. Central Park West (southbound)-110th Street/Cathedral Parkway to 72nd Street
2. Columbus Avenue (southbound)-Cathedral Parkway/110th Street to 66th Street
3. Frederick Douglass Boulevard (southbound)-155th Street to 110th Street
4. Park Avenue (southbound)-135th Street/Harlem River Drive to 66th Street

(E) North/South Roadways-Restricted Access 4:00 PM to 8:00 PM

1. Central Park West (northbound)-72nd Street to 110th Street/Cathedral Parkway
2. Frederick Douglass Boulevard (northbound)-110th Street/Cathedral Parkway to 155th Street
3. Park Avenue (northbound)-66th Street to 135th Street/Harlem River Drive

(ii) Brooklyn

(A) Restricted Access 7:00 AM to 7:00 PM

1. Adams Street-Fulton Street to Prospect Street
2. Belt Parkway (Shore Parkway)-Gowanus Expressway to Queens County Line
3. Boerum Place-Atlantic Avenue to Fulton Street

4. Brooklyn-Queens Expressway-Gowanus Expressway to Kosciusko Bridge
5. Cadman Plaza West-Old Fulton Street to Pierrepont Street
6. Court Street-Pierrepont Street to Atlantic Avenue
7. DeKalb Avenue-Carlton Avenue to Fulton Street
8. Flatbush Avenue-Concord Street/Manhattan Bridge to Grand Army Plaza
9. Fourth Avenue-Shore Road to Flatbush Avenue
10. Furman Street-Old Fulton Street to Atlantic Avenue
11. Gowanus Expressway-Verrazano Bridge to Brooklyn-Queens Expressway/Battery Tunnel
12. Hamilton Avenue-Third Avenue to Van Brunt Street
13. Hicks Street East (northbound)-Hamilton Avenue to Atlantic Avenue
14. Jackie Robinson Parkway-Jamaica Avenue to County Limits
15. Jay Street-Fulton Street to Prospect Street
16. Joralemon Street-Clinton Street to Flatbush Avenue
17. Myrtle Avenue-Jay Street to Carlton Avenue
18. Nostrand Avenue-Kings Highway to Flatbush Avenue
19. Ocean Parkway-Church Avenue to Brighton Beach Avenue
20. Old Fulton Street-Furman Street to Cadman Plaza West
21. Prospect Expressway-Gowanus Expressway to Church Avenue
22. Sands Street-Navy Street to Adams Street
23. Smith Street-Atlantic Avenue to Fulton Street
24. Third Avenue-65th Street to Flatbush Avenue
25. Tillary Street-Cadman Plaza West to Navy Street
26. Willoughby Street-Carlton Avenue to Adams Street

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM

1. 17th Street-Third Avenue to Fifth Avenue
2. 39th Street-Second Avenue to Dahill Road
3. 65th Street-Second Avenue to Avenue P
4. 86th Street-Fourth Avenue to McDonald Avenue
5. 92nd Street-Seventh Avenue to Fourth Avenue
6. Atlantic Avenue-Furman Street to Eldert Lane
7. Avenue U-Ocean Parkway to Ralph Avenue
8. Bay Parkway-Shore Parkway to Ocean Parkway
9. Bay Ridge Avenue-Shore Road to Seventh Avenue
10. Bedford Avenue-Flatbush Avenue to Broadway
11. Borinquen Place-Union Avenue to Marcy Avenue
12. Brighton Beach Avenue-Ocean Parkway to Coney Island Avenue
13. Broadway-Kent Avenue to Jamaica Avenue
14. Bushwick Avenue-Jamaica Avenue to Metropolitan Avenue
15. Caton Avenue-Fort Hamilton Parkway to Bedford Avenue
16. Church Avenue-Chester Avenue to Kings Highway
17. Columbia Street-Atlantic Avenue to Hamilton Avenue
18. Coney Island Avenue-Park Circle to Brighton Beach Avenue
19. Cooper Street-Broadway to Irwin Avenue
20. Cropsey Avenue-14th Avenue to Neptune Avenue
21. Division Street-Kent Avenue to Williamsburg Street East
22. Eastern Parkway-Grand Army Plaza to Atlantic Avenue

23. Emmons Avenue-Shore Boulevard to Knapp Street
24. Empire Boulevard-Flatbush Avenue to Utica Avenue
25. Fifth Avenue-Fourth Avenue/97th Street to Flatbush Avenue
26. Flatbush Avenue-Grand Army Plaza to Gil Hodges Memorial Bridge
27. Flatlands Avenue-Kings Highway to Pennsylvania Avenue
28. Flushing Avenue-Carlton Avenue to Cypress Avenue
29. Fort Hamilton Parkway-92nd Street to Park Circle
30. Fulton Street-Flatbush Avenue to Broadway
31. Gerritsen Avenue-Avenue U to Nostrand Avenue
32. Grand Street-Roebling Street to Gardner Avenue
33. Greenpoint Avenue-Manhattan Avenue to Kingsland Avenue
34. Havemeyer Street-Broadway to Metropolitan Avenue
35. Highland Boulevard-Bushwick Avenue to Robert Place
36. Humboldt Avenue-Greenpoint Avenue to Maspeth Avenue
37. Jamaica Avenue-Broadway to Eldert Lane
38. Kent Avenue-Williamsburg Street West to Calver Street
39. Kings Highway-Avenue P to Eastern Parkway
40. Kingsland Avenue-Greenpoint Avenue to Maspeth Avenue
41. Knapp Street-Emmons Avenue to Nostrand Avenue
42. Liberty Avenue-Eastern Parkway to 75th Street
43. Linden Boulevard-Bedford Avenue to 78th Street
44. Manhattan Avenue-Broadway to Commercial Street
45. Marcy Avenue-Broadway to Metropolitan Avenue
46. Marcy Avenue-Fulton Street to Flushing Avenue
47. McGuinness Boulevard-Ash Street/Pulaski Bridge to Meeker Avenue
48. Meeker Avenue-Gardner Avenue to Metropolitan Avenue
49. Metropolitan Avenue-Kent Avenue to Scott Avenue
50. Myrtle Avenue-Carlton Avenue to Wyckoff Avenue
51. Nassau Street-Flatbush Avenue to Carlton Avenue
52. Neptune Avenue-Cropsey Avenue to Shore Boulevard
53. New Utrecht Avenue-86th Street to 39th Street
54. New York Avenue-Foster Avenue to Fulton Street
55. North Conduit Avenue-Atlantic Avenue to Sutter Avenue
56. Nostrand Avenue-Emmons Avenue to Kings Highway
57. Ocean Avenue-Emmons Avenue to Flatbush Avenue
58. Park Avenue-Navy Street to Classon Avenue
59. Parkside Avenue-Park Circle to Ocean Avenue/Flatbush Avenue
60. Pennsylvania Avenue-Belt Parkway to Jamaica Avenue
61. Prospect Avenue-Fort Hamilton Parkway to Third Avenue
62. Ralph Avenue-Avenue U to Flatlands Avenue
63. Remsen Avenue-Seaview Avenue to Utica Avenue
64. Rockaway Parkway-Canarsie Veteran's Circle to East New York Avenue
65. Rodney Street-Broadway to Metropolitan Avenue
66. Roebling Street-South 5th Street to Metropolitan Avenue
67. Second Avenue-Wakeman Place to 60th Street
68. Seventh Avenue-86th Street to 65th Street
69. South Conduit Avenue-Atlantic Avenue to Sutter Avenue
70. Stillwell Avenue-Surf Avenue to Avenue P
71. Surf Avenue-West 17th Street to Ocean Parkway
72. Third Avenue-Shore Road to 65th Street

73. Utica Avenue-Flatbush Avenue to Eastern Parkway
74. Washington Avenue-Lincoln Road to Flushing Avenue

(C) Restricted Access 7:00 AM to 10:00 AM
1. Hicks Street-Atlantic Avenue to Old Fulton Street
2. Smith Street-Hamilton Avenue to Atlantic Avenue

(D) Restricted Access 4:00 PM to 7:00 PM
1. Court Street-Atlantic Avenue to Hamilton Avenue
2. Hicks Street West (southbound)-Congress Street to Hamilton Avenue

(iii) Bronx

(A) Restricted Access 7:00 AM to 7:00 PM
1. Bronx River Parkway-Bruckner Expressway to 238th Street
2. Bruckner Boulevard-Third Avenue to Bronx River Avenue
3. Bruckner Expressway-Major Deegan Expressway to Hutchinson River Parkway
4. Cross Bronx Expressway-Throgs Neck Expressway to Major Deegan Expressway
5. East 138th Street-Exterior Street to Bruckner Boulevard
6. Henry Hudson Parkway-Henry Hudson Bridge to Westchester County Line
7. Hutchinson River Parkway-Bronx-Whitestone Bridge to Westchester County Line
8. Major Deegan Expressway-Bruckner Expressway to Westchester County Line
9. Mosholu Parkway-Henry Hudson Parkway to Dr. Theodore Kazimiroff Boulevard
10. New England Thruway-Hutchinson River Parkway to Westchester County Line
11. Sheridan Expressway-Bruckner Expressway to Cross Bronx Expressway
12. Throgs Neck Expressway-Throgs Neck Bridge to Bruckner Expressway

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM
1. Bailey Avenue-Sedgwick Avenue to Van Cortlandt Park South
2. Barretto Avenue-Garrison Avenue to Bruckner Boulevard
3. Bartow Avenue-Gun Hill Road to Hutchinson River Parkway East
4. Baychester Avenue-East 241st Street to Hutchinson River Parkway West
5. Boston Road-Third Avenue to Ropes Avenue
6. Broadway-West 225th Street to West 262nd Street
7. Bronx Boulevard-East 233rd Street to Burke Avenue
8. Bronx Park East-Burke Avenue to White Plains Road
9. Bronx River Avenue-Story Avenue to Westchester Avenue
10. Bruckner Boulevard-Bronx River Avenue to Westchester Avenue
11. Brush Avenue-Cross Bronx Expressway to Lafayette Avenue
12. Burnside Avenue-Sedgwick Avenue to Webster Avenue
13. Castle Hill Avenue-East Tremont Avenue to Hart Street
14. City Island Avenue-Sutherland Street to Belden Street
15. City Island Road-Pelham Parkway to Sutherland Street
16. Conner Avenue-Tillotson Avenue to East 233rd Street
17. Co-op City Boulevard-Tillotson Avenue to Bartow Avenue
18. Dewey Avenue-Balcom Avenue to Hollywood Avenue
19. Dr. Theodore Kazimiroff Boulevard-East Fordham Road to Bronx Park East
20. Dyre Avenue-Lustre Street to Boston Road
21. East 149th Street-River Avenue to Southern Boulevard

22. East 161st Street-Jerome Avenue to Third Avenue
23. East 163rd Street-Webster Avenue to Bruckner Boulevard
24. East 177th Street-Ferris Avenue to Harding Avenue
25. East 177th Street-Rodman Place to Rosedale Avenue
26. East 222nd Street-Bronx Boulevard to Baychester Avenue
27. East 233rd Street-Jerome Avenue to Boston Road
28. East 241st Street-Bullard Avenue to Baychester Avenue
29. Eastchester Road-East 222nd Street to Williamsbridge Road
30. Edson Avenue-Boston Road to East Gun Hill Road
31. Edward L. Grant Highway-Jerome Avenue to University Avenue
32. Featherbed Lane-University Avenue to Macombs Road
33. Ferris Avenue-Bronx Whitestone Bridge Plaza to Lafayette Avenue
34. Fordham Road-Cedar Avenue to Boston Road
35. Garrison Avenue-Leggett Avenue to Edgewater Road
36. Grand Avenue-Macombs Road to West 177th Street
37. Grand Concourse-138th Street to Mosholu Parkway
38. Gun Hill Road-Mosholu Parkway Service Road to Stillwell Avenue
39. Hunts Point Avenue-Halleck Street to Bruckner Boulevard
40. Hutchinson River Parkway East-Baychester Avenue to Bartow Avenue
41. Hutchinson River Parkway West-Baychester Avenue to Bartow Avenue
42. Jarvis Avenue-Burke Avenue to Country Club Road
43. Jerome Avenue-East 161st Street to East 233rd Street
44. Kingsbridge Road-Bailey Avenue to East Fordham Road
45. Lafayette Avenue-Brush Avenue to Ellsworth Avenue
46. Lafayette Avenue-Edgewater Road to Bruckner Boulevard
47. Leggett Avenue-Garrison Avenue to Bruckner Boulevard
48. Longwood Avenue-Garrison Avenue to Bruckner Boulevard
49. Melrose Avenue-East 149th Street to Brook Avenue
50. Metropolitan Avenue-Westchester Avenue to Castle Hill Avenue
51. Middletown Road-Westchester Avenue to Bruckner Boulevard
52. Morris Park Avenue-East 177th Street to Eastchester Road
53. Mosholu Avenue-West 254th Street to Broadway
54. Mosholu Parkway Service Road-Webster Avenue to West Gun Hill Road/Van Cortlandt Park South
55. Nereid Avenue-Bronx Boulevard to Seton Avenue
56. Pelham Parkway-Boston Road to Burr Avenue
57. Pelham Parkway-Hutchinson River Parkway to City Island Road
58. Riverdale Avenue-West 252nd Street to West 263rd Street
59. Rosedale Avenue-Sound View Avenue to East Tremont Avenue
60. Sedgwick Avenue (Dr. Martin Luther King Boulevard)-Jerome Avenue to Mosholu Parkway
61. Shore Road-City Island Road to Park Drive
62. Sound View Avenue-Metcalf Avenue to White Plains Road
63. Southern Boulevard-Bruckner Boulevard to East Fordham Road
64. Third Avenue-Bruckner Boulevard to Webster Avenue/West Fordham Road
65. Throgs Neck Boulevard-Harding Avenue to Layton Avenue
66. Tillotson Avenue-Eastchester Road to Hutchinson Avenue
67. Tremont Avenue-Sedgwick Avenue to Schurz Avenue
68. Union Port Road-White Plains Road to Westchester Avenue

69. University Avenue-Sedgwick Avenue (Dr. Martin Luther King Boulevard) to Kingsbridge Road
70. Van Cortlandt Park South-Broadway to Mosholu Parkway Service Road
71. Webster Avenue-Brook Avenue to Nereid Avenue
72. West 225th Street-Broadway to Bailey Avenue
73. West 230th Street-Broadway to Bailey Avenue
74. West 230th Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
75. West 231st Street-Broadway to Bailey Avenue
76. West 232nd Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
77. West 233rd Street-Broadway to Bailey Avenue
78. West 234th Street-Broadway to Bailey Avenue
79. West 238th Street-Broadway to Bailey Avenue
80. West 239th Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
81. West 246th Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
82. West 252nd Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
83. West 256th Street-East Henry Hudson Parkway to West Henry Hudson Parkway Service Roads
84. Westchester Avenue-Third Avenue to Bruckner Expressway
85. White Plains Road-East 243rd Street to Sound View Avenue
86. Whitlock Avenue-Westchester Avenue to East 163rd Street
87. Williamsbridge Road-White Plains Road to Westchester Avenue
88. Willis Avenue-Bruckner Boulevard to 149th Street

(iv) Queens

(A) Restricted Access 7:00 AM to 7:00 PM

1. Belt Parkway-Laurelton Parkway to Brooklyn County Line
2. Brooklyn-Queens Expressway-Kosciusko Bridge to Grand Central Parkway
3. Clearview Expressway-Cross Island Parkway to Grand Central Parkway
4. Cross Island Parkway-Bronx-Whitestone Bridge Approach to Southern State Parkway
5. Grand Central Parkway-Triboro Plaza to Nassau County Line
6. Jackie Robinson Parkway-Brooklyn County Line to Grand Central Parkway/Van Wyck Expressway Interchange
7. JFK Expressway-Belt Parkway to JFK Airport
8. Laurelton Parkway-Southern State Parkway to Belt Parkway
9. Long Island Expressway-Brooklyn-Queens Expressway to Nassau County Line (*Restricted Access 6:00 AM to 8:00 PM)
10. Nassau Expressway-Rockaway Boulevard to Belt Parkway
11. Queens Plaza North-Northern Boulevard to Crescent Street
12. Queens Plaza South-Crescent Street to Jackson Avenue
13. Van Wyck Expressway-Grand Central Parkway/Whitestone Expressway to JFK Airport
14. Whitestone Expressway-Cross Island Parkway to Grand Central Parkway/Van Wyck Expressway Interchange

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM

1. 14th Avenue-College Point Boulevard to Francis Lewis Boulevard
2. 21st Street-Borden Avenue to Ditmars Boulevard
3. 27th Street-Queens Plaza South to 44th Drive
4. 31st Drive-Astoria Boulevard to Ditmars Boulevard
5. 31st Street-39th Avenue to Ditmars Boulevard
6. 34th Avenue-Vernon Boulevard to Northern Boulevard
7. 37th Avenue-108th Street to 114th Street
8. 37th Avenue-College Point Boulevard to Union Avenue
9. 38th Avenue-College Point Boulevard to Union Avenue
10. 39th Avenue-College Point Boulevard to Union Avenue
11. 39th Street-Northern Boulevard to Hunters Point Avenue
12. 44th Drive-Vernon Boulevard to Jackson Avenue
13. 48th Street-Greenpoint Avenue to Northern Boulevard
14. 49th Avenue-Vernon Boulevard to 21st Street
15. 50th Avenue-Vernon Boulevard to 21st Street
16. 51st Avenue-Hunters Point Avenue to 58th Street
17. 58th Street-Maspeth Avenue to Queens Boulevard
18. 69th Road-Queens Boulevard to Park Drive East
19. 69th Street-Broadway to Metropolitan Avenue
20. 73rd Avenue-Kissena Boulevard to Springfield Boulevard
21. 80th Street-Cooper Avenue to Furmanville Avenue
22. 82nd Street-Ditmars Boulevard to Roosevelt Avenue
23. 94th Street-Ditmars Boulevard to 32nd Avenue
24. 108th Street-Astoria Boulevard to Queens Boulevard
25. 114th Street-Northern Boulevard to 44th Avenue
26. 130th Avenue-238th Street to Brookville Boulevard
27. 130th Street-South Conduit Avenue to North Conduit Avenue
28. 150th Street-Rockaway Boulevard to South Conduit Avenue
29. 164th Street-Hillside Avenue to Northern Boulevard
30. 225th Street-North Conduit Avenue to South Conduit Avenue
31. Archer Avenue-138th Street to Merrick Boulevard
32. Astoria Boulevard-82nd Street to Northern Boulevard
33. Astoria Boulevard North-31st Street to 82nd Street
34. Astoria Boulevard South-31st Street to 82nd Street
35. Atlantic Avenue-Eldert Lane to 94th Avenue
36. Beach 20th Street-Seagirt Boulevard to Mott Avenue
37. Beach Channel Drive-Cronstone Avenue to Horton Avenue
38. Bell Boulevard-158th Street to 86th Avenue
39. Booth Memorial Avenue-College Point Boulevard to Long Island Expressway
40. Borden Avenue-Vernon Boulevard to Greenpoint Avenue
41. Braddock Avenue-Springfield Boulevard to Jericho Turnpike
42. Broadway-Vernon Boulevard to Queens Boulevard
43. Brookville Boulevard-South Conduit Avenue to Francis Lewis Boulevard
44. Caldwell Avenue-69th Street to Dry Harbor Road
45. Central Avenue-Mott Avenue to Virginia Street
46. College Point Boulevard-14th Avenue to Long Island Expressway

47. Commonwealth Boulevard-Littleneck Parkway to Hillside Avenue
48. Continental Avenue-Metropolitan Avenue to Queens Boulevard
49. Cooper Avenue-Irving Avenue to Woodhaven Boulevard
50. Crescent Street-39th Avenue to 44th Drive
51. Cronston Avenue-Beach 169th Street to Beach Channel Drive
52. Cross Bay Boulevard-Woodhaven Boulevard to Rockaway Beach Boulevard
53. Cypress Hills Street-Fresh Pond Road to Jamaica Avenue
54. Ditmars Boulevard-21st Street to Astoria Boulevard
55. Douglaston Parkway-Northern Boulevard to Winchester Boulevard
56. Dry Harbor Road-Furmanville Avenue to Woodhaven Boulevard
57. Edgemere Avenue-Fernside Place to Rockaway Beach Boulevard
58. Eliot Avenue-Metropolitan Avenue to Queens Boulevard
59. Elmhurst Avenue-108th Street to Broadway
60. Farmers Boulevard-Hollis Avenue to Rockaway Boulevard
61. Flushing Avenue-Cypress Avenue to Grand Avenue
62. Francis Lewis Boulevard-15th Avenue to Hooks Creek Boulevard
63. Fresh Pond Road-Maspeth Avenue to Myrtle Avenue
64. Grand Avenue-47th Street to Queens Boulevard
65. Greenpoint Avenue-Review Avenue to Queens Boulevard
66. Guy R. Brewer Boulevard-Jamaica Avenue to Rockaway Boulevard
67. Hempstead Turnpike-Jamaica Avenue to Cross Island Parkway
68. Hillside Avenue-Myrtle Avenue to Langdale Street
69. Hollis Avenue-Jamaica Avenue to Springfield Boulevard
70. Hollis Court Boulevard-Utopia Parkway to Francis Lewis Boulevard
71. Hollis Hill Terrace-73rd Avenue to 86th Avenue
72. Home Lawn Street-Hillside Avenue to 82nd Road
73. Hook Creek Boulevard-Francis Lewis Boulevard to Merrick Boulevard
74. Hoyt Avenue North-21st Avenue to 31st Street
75. Hoyt Avenue South-21st Avenue to 31st Street
76. Hunters Point Avenue-21st Street to 51st Avenue
77. Jackson Avenue-51st Avenue to Queens Boulevard
78. Jamaica Avenue-Eldert Lane to Jericho Turnpike
79. Jewel Avenue-108th Street to 73rd Avenue
80. Junction Boulevard-32nd Avenue to Queens Boulevard
81. Kissena Boulevard-Main Street to Parsons Boulevard
82. Laurel Hill Boulevard-Review Avenue to Queens Boulevard
83. Lefferts Boulevard-South Conduit Avenue to Queens Boulevard
84. Liberty Avenue-75th Street to Farmers Boulevard
85. Linden Boulevard-Rockaway Boulevard to Cross Island Parkway
86. Linden Place-23rd Avenue to Northern Boulevard
87. Little Neck Parkway-Jamaica Avenue to Marathon Parkway
88. Main Street-Northern Boulevard to Queens Boulevard
89. Marathon Parkway-Littleneck Parkway to Commonwealth Boulevard
90. Maurice Avenue-Maspeth Avenue to 69th Street
91. Merrick Boulevard-Hillside Avenue to Hook Creek Boulevard
92. Metropolitan Avenue-Onderdonk Avenue to Jamaica Avenue
93. Myrtle Avenue-Wychoff Avenue to Jamaica Avenue
94. North Conduit Avenue-Sutter Avenue to Hook Creek Boulevard
95. Northern Boulevard-Queens Plaza North to City Limits
96. Park Drive East-Union Turnpike to 136th Street

97. Parsons Avenue-Parsons Boulevard to Utopia Parkway
98. Parsons Boulevard-North Drive to Jamaica Avenue
99. Queens Boulevard-Jackson Avenue to Jamaica Avenue
100. Queens Plaza East-Queens Boulevard to 39th Avenue
101. Queens Plaza North-Crescent Street to 21st Street
102. Queens Plaza South-Vernon Boulevard to Crescent Street
103. Rockaway Beach Boulevard-Beach 149th Street to Beach Channel Drive
104. Rockaway Boulevard-Eldert Lane to 3rd Street
105. Rockaway Freeway-Beach Channel Drive to Regina Avenue
106. Rockaway Point Boulevard/Rockaway Breezy Boulevard-Beach 222nd Street to Beach 193rd Street
107. Roosevelt Avenue-Queens Boulevard to Northern Boulevard
108. Sanford Avenue-College Point Boulevard to Northern Boulevard
109. Seagirt Boulevard-Edgemere Avenue to Beach 6th Street
110. Skillman Avenue-Hunters Point Avenue to Roosevelt Avenue
111. South Conduit Avenue-Sutter Avenue to Hook Creek Boulevard
112. South Road-Sutphin Boulevard to Liberty Avenue
113. Spencer Avenue-86th Avenue to Springfield Boulevard
114. Springfield Boulevard-Northern Boulevard to 47th Avenue
115. State Road-Beach 193rd Street to Beach 169th Street
116. Steinway Street-Ditmars Boulevard to Northern Boulevard
117. Sutphin Boulevard-Hillside Avenue to Rockawy Boulevard
118. Thomson Avenue-Jackson Avenue to Van Dam Street
119. Union Street-Sanford Avenue to Willets Point Boulevard
120. Union Turnpike-City Limits to Myrtle Avenue
121. Union Turnpike-Myrtle Avenue to Langdale Street
122. Utopia Parkway-14th Avenue to 82nd Road
123. Van Dam Street-Greenpoint Avenue to Skillman Avenue
124. Vernon Boulevard-21st Street to 51st Avenue
125. West Alley Road-230th Street to Douglaston Parkway
126. Willets Point Boulevard-Union Street to Utopia Parkway
127. Woodhaven Boulevard-Queens Boulevard to Liberty Avenue
128. Yellowstone Boulevard-Woodhaven Boulevard to Queens Boulevard

(v) Staten Island

(A) Restricted Access 7:00 AM to 7:00 PM

1. Amboy Road-Richmond Road to Arden Avenue
2. Arthur Kill Road-Richmond Road to Bloomingdale Road
3. Bay Street-School Road to Richmond Terrace
4. Forest Avenue-Victory Boulevard to Richmond Avenue
5. Forest Hill Road-Richmond Avenue to Willowbrook Road
6. Hylan Boulevard-Midland Avenue to Tysens Lane
7. Richmond Road-Targee Street to Arthur Kill Road
8. Richmond Terrace-Bay Street to Morningstar Road
9. Staten Island Expressway-Verrazano Narrows Bridge to Goethals Bridge
10. Todt Hill Road-Richmond Road to Westwood Avenue
11. Travis Avenue-Richmond Avenue to South Avenue
12. Victory Boulevard-Bay Street to West Service Road
13. West Shore Expressway-Richmond Parkway to Staten Island Expressway
14. Woolley Avenue-Willowbrook Road to North Gannon Avenue

Note: All service roads abutting highways, parkways, expressway, etc. are considered to be critical streets from 7:00 AM to 7:00 PM.

(B) Restricted Access 7:00 AM to 10:00 AM/4:00 PM to 7:00 PM

1. Amboy Road-Arden Avenue to Main Street
2. Arden Avenue-Hylan Boulevard to Arthur Kill Road
3. Arthur Kill Road-Bloomingdale Road to Main Street
4. Bloomingdale Road-Amboy Road to Arthur Kill Road
5. Bradley Avenue-Brielle Avenue to Victory Boulevard
6. Brielle Avenue-Manor Road to Rockland Avenue
7. Castleton Avenue-Jersey Street to Port Richmond Avenue
8. Clarke Avenue-Amboy Road to Arthur Kill Road
9. Clove Road-Hylan Boulevard to Richmond Road
10. Clove Road-Narrows Road South to Richmond Terrace
11. Dr. Martin Luther King Jr. Expressway-Victory Boulevard to Bayonne Bridge
12. Fahy Avenue-South Avenue to Richmond Avenue
13. Fingerboard Road-Hylan Boulevard to Bay Street
14. Forest Avenue-Richmond Avenue to South Avenue
15. Giffords Lane-Amboy Road to Arthur Kill Road
16. Goethals Road North-Richmond Avenue to Western Avenue
17. Howard Avenue-Clove Road to Louis Street
18. Huguenot Avenue-Hylan Boulevard to Arthur Kill Road
19. Hylan Boulevard-Bay Street to Midland Avenue
20. Hylan Boulevard-Tysens Lane to Arden Avenue
21. Jewett Avenue-Victory Boulevard to Richmond Terrace
22. Korean War Memorial Parkway/Richmond Parkway-Outerbridge Crossing to Arthur Kill Road
23. Little Clove Road-Clove Road to Victory Boulevard
24. Manor Road-Rockland Avenue to Forest Avenue
25. Midland Avenue-Father Capodanno Boulevard to Richmond Road
26. Morningstar Road-Forest Avenue to Richmond Terrace
27. Narrows Road North-Fingerboard Road to Clove Road
28. Narrows Road South-Clove Road to Lily Pond Avenue
29. Nelson Avenue-Hylan Boulevard to Amboy Road
30. New Dorp Lane-Mill Road to Richmond Road
31. North Gannon Avenue-Slosson Avenue to Victory Boulevard
32. Ocean Terrace-Manor Road to Milford Drive
33. Page Avenue-Hylan Boulevard to South Bridge Street
34. Port Richmond Avenue-Forest Avenue to Richmond Terrace
35. Richmond Avenue-Arthur Kill Road to Forest Avenue
36. Richmond Avenue-Hylan Boulevard to Arthur Kill Road
37. Richmond Hill Road-Richmond Road to Richmond Avenue
38. Richmond Terrace-South Avenue to Morningstar Road
39. Rockland Avenue-Richmond Road to Richmond Avenue
40. Schmidts Lane-Manor Road to Slosson Avenue
41. Seguine Avenue-Hylan Boulevard to Amboy Road
42. Slosson Avenue-Westwood Avenue to Martling Avenue
43. South Avenue-Chelsea Road to Richmond Terrace
44. South Gannon Avenue-Victory Boulevard to Manor Road
45. West Fingerboard Road-Hylan Boulevard to Richmond Road

46. Western Avenue-Gulf Avenue to Richmond Terrace
47. Willowbrook Road-Victory Boulevard to Forest Avenue
48. Windsor Road-Little Clove Road to Slosson Avenue

(C) Restricted Access 7:00 AM to 10:00 AM

1. Father Capodanno Boulevard (northbound)-Midland Avenue to Ocean Avenue
2. Lily Pond Avenue (northbound)-Ocean Avenue to Tompkins Avenue
3. School Road (northbound)-Tompkins Avenue to Bay Street
4. Targee Street-Richmond Road to Van Duzer Street

(D) Restricted Access 4:00 PM to 7:00 PM

1. Ebbitts Street-Mill Road to Hylan Boulevard
2. Father Capodanno Boulevard (southbound)-Ocean Avenue to Lincoln Avenue
3. Lily Pond Avenue (southbound)-Tompkins Avenue to Ocean Avenue
4. Lincoln Avenue-Father Capodanno Boulevard to Hylan Boulevard
5. School Road (southbound)-Bay Street to Tompkins Avenue
6. St. Paul's Avenue-Hyatt Street to Van Duzer Street
7. Tysens Lane-Mill Road to Hylan Boulevard
8. Van Duzer Street-St. Paul's Avenue to Richmond Terrace

Section 2-08

NEWSRACKS

(a) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) Newsrack. "Newsrack" shall mean any self-service or coin-operated box, container or other dispenser installed, used or maintained for the display, sale or distribution of newspapers or other written matter to the general public.

(2) Person. "Person" shall mean a natural person, partnership, corporation, limited liability company or other association.

(3) Sidewalk. "Sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, but not including the curb, intended for the use of pedestrians.

(4) Crosswalk. "Crosswalk" shall mean that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.

(5) Crosswalk area. "Crosswalk area" shall mean that area of the sidewalk bounded by the extension of the lines of a crosswalk onto the sidewalk up to the building or property line.

(6) Corner area. "Corner area" shall mean that area of a sidewalk encompassed by the extension of the building lines to the curb on each corner.

(7) Board. "Board" shall mean the environmental control board of the city of New York.

(8) Multiple-vending newsrack. A newsrack designed to hold two or more different publications.

(9) Owner. When applied to newsracks, "owner" shall mean a person who owns or is in control of one or more newsracks placed, installed or maintained on a sidewalk. Each newsrack shall have a single owner for purposes of complying with this section and the provisions of §19-128.1 of the New York City Administrative Code.

(b) Placement.

(1) Manner.

(i) Newsracks shall be weighted down on all sidewalks in such a way as to insure that the newsrack cannot be tipped over.

(ii) Newsracks shall not be bolted to the sidewalk, except that multiple-vending newsracks may be bolted pursuant to a permit from the Department, except as provided in paragraph 2 of this subdivision b.

(iii) A newsrack may not be chained to property owned or maintained by the city, except that newsracks may be chained to lampposts (except for decorative lampposts). A newsrack so chained must not be in an unlawful location as specified in subdivision (c) of this section. To the extent an owner seeks to chain such newsrack to property not owned or maintained by the city, the consent of the owner of or person responsible for such property is required. In all cases where the use of chains to secure newsracks is permitted, such chains shall be made of galvanized steel with a plastic or rubber protective coating, at least 0.14 inches thick, and shall allow a distance of no more than eight (8) inches between the newsrack and the street furniture to which it is chained.

(2) Distinctive sidewalks. Multiple-vending newsracks may be bolted to sidewalks comprised of distinctive material, including, but not limited to, granite, terrazzo or bluestone, pursuant to a permit from the Department and provided that the written permission of the property owner or other entity that installed the distinctive sidewalk is obtained in advance of such bolting.

(3) Sidewalk repair and restoration. An owner shall be responsible for any damage caused or repairs necessitated by the installation, presence or maintenance of such newsrack. Such

owner also shall be responsible for any damage caused or repairs necessitated by the removal of a newsrack by either such owner or by an authorized officer or employee of the Department or of any city agency who is designated by the Commissioner, or by a police officer. Such repairs shall be made promptly and in accordance with the Department's specifications.

(4) Notification to the Department of location of newsracks.

(i) Where a newsrack has been placed or installed on a sidewalk before September 13, 2004, the owner shall, by November 1, 2004, have notified the Department by facsimile, electronically or by other means as directed by the Commissioner and on a form approved or provided by the Commissioner, of

(A) the location of such newsrack;

(B) the name of the newspaper(s) or written matter to be offered for distribution in such newsrack; and

(C) the name, address, telephone number, and e-mail address of the owner. The name and address shall be identical to the name and address for mailing of process in the owner's Certificate of Incorporation or Application for Authority to do business in New York State. The owner shall represent that such newsracks comply with the provisions of this section and §19-128.1 of the New York City Administrative Code.

(ii) Any other owner shall, at least seven (7) days prior to the installation of its first newsrack, provide to the Department the indemnification notification and insurance certification required pursuant to subdivision f of this section and the information required in clauses (B) and (C) of subparagraph (i) of this paragraph.

(iii) Subsequent to the initial notification required by subparagraphs (i) and (ii) of this paragraph, notification shall be made on an annual basis by November 1 of each year and shall include the information in clauses (A), (B), and (C) of subparagraph (i) of this paragraph.

(iv) If the number of newsracks owned or controlled by an owner increases or decreases by ten (10) percent or more of the number of newsracks that have been included in the most recent notification required to be submitted by such owner, such owner shall also be required to submit the information in clauses (A), (B), and (C) of subparagraph (i) of this paragraph within seven (7) days of such change.

(v) An owner shall advise the Department of any change in his, her or its name, address, telephone number, or email address within seven (7) days of such change including any changes to the Certificate of Incorporation or Application for Authority to do business in New York State.

(c) Unlawful locations. No owner shall install, use or maintain any newsrack in any of the following locations:

(1) within fifteen (15) feet of any fire hydrant;

(2) in any driveway or within five (5) feet of any driveway;

(3) in any curb cut designed to facilitate street access by disabled persons or within two feet of any such curb cut;

(4) within fifteen (15) feet of the entrance or exit of any railway station or subway station, except that a newsrack that otherwise complies with this subdivision may be placed against the rear of the station entrance or exit, but not against the sides;

(5) within any bus stop;

(6) within a crosswalk area;

(7) within a corner area or within five (5) feet of any corner area;

(8) on any surface where such installation or maintenance will cause damage to or interference with the use of any pipes, vault areas, telephone or electrical cables or other similar locations;

(9) on any cellar door, grating, utility maintenance cover or other similar locations;

(10) on, in or over any part of the roadway of any public street;

(11) unless eight (8) feet of sidewalk width is preserved for unobstructed pedestrian passage;
(12) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design;
(13) on any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the newsrack would cause damage to such landscaping;
(14) where such placement, installation or maintenance endangers the safety of persons or property;
(15) at any distance less than eighteen (18) inches or more than twenty-four (24) inches from the face of the curb, measured to the side of the newsrack closest to the curb (This paragraph shall not apply to a newsrack placed against the rear of the entrance or exit of a subway or railway as provided in paragraph 4, above.);
(16) within five (5) feet of a canopy; and
(17) within fifteen (15) feet of a sidewalk newsstand.

(d) Size, shape and appearance.

(1) Dimensions. No newsrack may be higher than fifty (50) inches, wider than twenty-four (24) inches or deeper than twenty-four (24) inches. Notwithstanding the above, no multiple-vending newsrack shall be higher than sixty (60) inches, wider than ninety (90) inches or deeper than thirty-six (36) inches.

(2) Identifying information required. The owner shall affix his, her or its name, address, telephone number and e-mail address, if any, on the newsrack in a readily visible location and shall conform such information to any changes required to be reported to the department in accordance with the provisions of paragraph (4) of subdivision (b) of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

(3) Advertisements prohibited. The surfaces of the newsrack shall not include any advertisement, whether painted, posted, or otherwise affixed thereto, or be used for promotional purposes, except for announcing the name and/or website of the newspaper or other written matter offered for distribution in such newsrack.

(4) Electricity. No electricity shall be run into a newsrack nor shall any connection for electrical purposes be installed in or on a newsrack.

(e) Maintenance. The owner shall be responsible for the following:

(1) Certification. The owner shall certify to the commissioner on forms prescribed by the commissioner that each newsrack has been repainted, or that best efforts have been made to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions, at least once during the immediately preceding four (4) month period. Such certification shall be submitted on January 15, May 15 and September 15 of each year for the four (4) month period ending on the last day of the preceding month. A separate certification form shall be submitted for the newsracks dispensing a particular publication.

(2) Logs and records. Each owner shall maintain for each publication a separate log in which the measures taken to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions and the dates and times when they are taken are recorded in accordance with a format approved or set forth by the commissioner. Records shall be maintained for a period of three (3) years documenting the use of materials, employees, contractors, other resources and expenditures used for the purpose of demonstrating the repainting or best efforts to remove graffiti and other unauthorized writing, painting, drawing or other markings or inscriptions. Such logs and records shall be made available to the department for inspection and copying during normal and regular business hours and shall be delivered to the department upon request.

(3) Refuse. No refuse shall accumulate in a newsrack nor shall any newsrack deteriorate into an unsanitary condition. The owner shall remove refuse within forty-eight (48) hours of receipt

of a notice of correction from the Commissioner, which shall be deemed to have been received five (5) days from the date on which it was mailed by the Commissioner.

(4) Damage. A damaged newsrack or one in need of repair shall be repaired, replaced or removed within seven (7) business days of receipt of a notice of correction regarding such damage or need for repair, except that if such damaged newsrack poses a danger to persons or property, it shall be made safe within twenty-four (24) hours following receipt of such notice of correction, which shall be deemed to have been received five (5) days from the date on which it was mailed by the Commissioner.

(5) Continuous use. In no event shall the owner fail to keep such newsrack supplied with written matter for a period of more than seven (7) consecutive days without securing the door so as to prevent the deposit of refuse therein. Notwithstanding the securing of the door, in no event shall such newsrack remain empty for a total period of more than thirty (30) consecutive days. Any newsrack empty for longer than such period shall be deemed abandoned.

(f) Indemnification and insurance.

(1) Indemnification. The owner of a newsrack placed or installed on any sidewalk shall indemnify and hold the City harmless from any and all losses, costs, damages, expenses, claims, judgments or liabilities that the City may incur by reason of the placement, installation or maintenance of such newsrack, except to the extent such damage results from the negligence or intentional act of the city. In addition to the insurance certificate submitted pursuant to paragraph 3 of this subdivision f, the owner shall submit by regular mail an indemnification notification on a form provided by the Commissioner.

(2) Insurance. The owner shall procure and maintain, for as long as the newsrack remains on City property, a commercial general liability insurance policy from an insurer licensed to do business in the State of New York in his or her or its name, which names the City of New York, its departments, boards, officers, employees and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any losses, costs, damages, expenses, claims, judgments or liabilities that result from or arise out of the placement, installation and/or maintenance of such newsrack. The minimum limits of such insurance coverage shall be no less than $300,000 combined single limit for bodily injury, including death, and property damage, dedicated exclusively to the liabilities relating to such newsracks, except that any person who maintains an average of 100 or more newsracks at any one time shall maintain a minimum insurance coverage of $1 million dedicated exclusively to such liabilities. All insurance policies shall be endorsed to provide that (a) the City shall have no obligation whatever to provide notice to the insurance company of any occurrence or claim, and that the City's notice to the insurance company of the commencement of a lawsuit against the City, if required, shall be deemed timely if received within 180 days thereof; and (b) notice by any other insured of the commencement of any lawsuit against such insured shall constitute notice on behalf of the City as well.

(3) Insurance certificate. An insurance certificate shall be submitted to the Commissioner by the owner within sixty (60) days after the effective date of §19-128.1 of the New York City Administrative Code, and thereafter, by December 31 of each year or by the expiration date of the policy, whichever is earlier, certifying that the insurance required by paragraph 2 of this subdivision f is in place for all newsracks owned by such person. When a newsrack that is not covered by such insurance is placed or installed on a sidewalk after the effective date of such §19-128.1, the owner shall, within sixty (60) days after the effective date of §19-128.1 of the New York City Administrative Code or within ten (10) days of the installation of such newsrack, whichever is later, provide to the Department the insurance certification required pursuant to this subdivision f. Acceptance by the Commissioner of any insurance certificate, whether or not conforming to the requirements of paragraph 2 of this subdivision f, shall not relieve the owner of his, her or its obligation to actually provide such insurance. The certificate shall provide that

no cancellation, termination or alteration shall be made without thirty (30) days' advance written notice to the Department.

(g) Violations and removal. Violations of the provisions of §19-128.1 of the Administrative Code or these rules shall be enforced and the newsracks shall be removed by the Commissioner pursuant to provisions of subdivision f of such §19-128.1 and any other applicable provisions of law. The City shall charge the owner for the cost of removal and storage. The charge for removal shall be $50 per newsrack. The storage charge shall be $1.40 per newsrack per day.

(h) Notices. All notices of violation required to be served on the owner pursuant to these rules or §19-128.1 of the Administrative Code shall be served as required by law. Notices of correction shall be served upon the address provided pursuant to the registration provisions in these rules. In the absence of the required registration information, service shall be made on the entity identified on the newsrack or in the publication found in the newsrack.

Section 2-09

SIDEWALK, CURB AND ROADWAY WORK

(a) Compliance with requirements. Owners or builders installing or repairing roadway pavement, sidewalk and curb in connection with uses other than those requiring a Certificate of Occupancy (C of O) or letter of completion from the New York City Department of Buildings shall comply with the following requirements:

(1) *The Sidewalk, Curb & Roadway Application* (SCARA) and all appropriate forms, plans and certifications shall be submitted to the Department.

(2) All public infrastructure work shall be designed and installed in compliance with current highway engineering practice, the latest version of this publication, and the latest versions of these other Department publications: *Standard Details of Construction, Standard Specifications, and Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components*.

(b) Professional self-certification.

(1) A property owner may install the required street infrastructure without prior review of the plan(s) by the Department under a process of professional self-certification. Plan review by the Department will not be required when a Professional Engineer, Registered Architect or Registered Landscape Architect self-certifies that the proposed infrastructure work complies strictly with the requirements of the publications listed above in paragraph (2) of subdivision (a) of this section and meets or exceeds the Department's standards and specifications.

(2) If a submittal is not professionally self-certified, full Department review and approval must be obtained before work can begin.

(c) Coordination with capital projects-all city, state and federal agencies and public authorities. In some cases, the required infrastructure work may be proposed for installation by an agency or authority under a capital improvement project. It shall be the sole responsibility of every applicant to examine all capital plans to see whether any such work is planned. If so, the applicant shall coordinate the improvements with the appropriate agency or authority.

(d) Required submissions.

(1) Every applicant shall submit three (3) original SCARAs (no photocopies) for each project. See *Instructions for Filing Plans & Guidelines for the Design of Sidewalk, Curbs, Roadways and Other Infrastructure Components*.

(2) Every applicant shall submit the following:

(i) The correct Plan Type as required by SCARA.

(ii) The correct Certification Block as required by SCARA.

(iii) Written approval from the Landmarks Preservation Commission or the Art Commission of the City of New York, if applicable (applicant must check to see if the project is in a landmarked area or historic district).

(iv) Material testing, if required by SCARA.

(v) Maintenance agreement, if required by SCARA.

(vi) Statement of Professional Certification to accompany SCARA (optional).

(e) Waiver.

(1) A property owner may request a waiver of any requirement of the Department.

(2) The request shall be prepared in writing by a professional architect, engineer or landscape architect and shall have an original seal and signature affixed.

(3) It shall be submitted to the Department's Bureau of Permit Management & Construction Control.

(4) Supplementary materials must be submitted to support the waiver request, such as maps, drawings, traffic reports, calculations, affidavits, etc. No consideration will be given without complete and adequate documentation.

(5) A waiver may be granted at the discretion of the Commissioner, except where prohibited by law.

(f) Sidewalk.

(1) Property owners' responsibility. Property owners shall, at their own cost, install, repave, reconstruct and maintain in good repair, at all times, the sidewalk abutting their properties, including, but not limited to the intersection quadrant for corner property, in accordance with the specifications of the Department. Upon failure of a property owner to install, repave, reconstruct or repair the sidewalk pursuant to a Notice of Violation issued by the Department after an inspection, the Department may perform the work or cause it to be performed and shall bill the property owner pursuant to §19-152 of the New York City Administrative Code. If the property owner wishes to protest the violation, he/she may make a request at the appropriate borough office within the time specified in the notice of violation and the Department shall provide a reinspection by a different departmental inspector than the one who conducted the first inspection. The findings of the second inspection supersede the findings of the first inspection.

(2) Permit required.

(i) A permit is required to install, repave, reconstruct or repair any sidewalk where the work involves an area of more than twenty-five square feet. Where the work involves an area of twenty-five square feet or less, a permit is only required where the purpose of the work is to remove a violation.

(ii) A sidewalk closing permit shall be required if a minimum width of five feet cannot be maintained on the sidewalk for unobstructed pedestrian passage.

(iii) An applicant shall file:

(A) An application for a sidewalk construction permit stating the location of the sidewalk work, including driveway, if applicable, and the start and estimated completion dates. All subway gratings, utility covers and castings situated in the sidewalk area which are not at proper grade or are in a dangerous condition shall be noted in the application;

(B) A plan for the restoration of the sidewalk, approved by the Department of Buildings, where the existing sidewalk is the structural roof of a vault or other opening.

(iv) An owner of the abutting property who files an affidavit stating therein that he/she will not employ any person or persons to repair the sidewalk for him/her, shall not be required to submit a commercial general liability insurance policy or workers' compensation insurance.

(3) Permit requirements. All permits are subject to applicable provisions contained in §2-02 of these rules.

(4) General sidewalk requirements.

(i) Except as otherwise authorized, all sidewalks not in C4-4 through C4-7, C5 or C6 commercial districts, as defined in the Zoning Resolution of the City of New York, shall be of untinted concrete. However, all sidewalks in C4-4 through C4-7, C5 and C6 commercial districts shall be of pigmented concrete with saw-cut type joints as set forth in section 4.13 C of the Department's specifications. In such commercial districts, any sidewalk installation or replacement constituting 50 percent or more of the total square footage of sidewalk abutting a property shall be of pigmented concrete in conformance with the aforementioned section of the Department's specifications. For the purposes of these rules and unless otherwise stated, the word "concrete" shall mean untinted and pigmented concrete, as applicable. Sidewalks shall consist of a single course of concrete, 4" in

thickness, laid upon a foundation 6" in thickness; in driveways and corner quadrants the concrete slab shall be 7" in thickness.
(ii) The foundation material shall consist of clean $^3/_4$" broken stone, recycled concrete, gravel or clean granular materials meeting the standard specifications. The foundation material shall be tamped and compacted according to the specifications.
(iii) The sidewalk shall be constructed of concrete mix as per the Department's specifications, unless otherwise authorized.
(iv) Sidewalk cores.

(A) Cores shall be required for all sidewalks in excess of 100 lineal feet. A core shall be required for each 500 square feet of sidewalk or fraction thereof. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department.

(B) In the case of a one- or two-family dwelling on a corner lot and/or where the length of the sidewalk on each side is less than 100 lineal feet, the cores may be waived, provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms with the specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor.)

(C) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the submitted SCARA plan. A final survey showing the actual grades as built shall be filed with the Department and the topographical Bureau of the office of the applicable Borough President.

(v) Expansion joints. Expansion joints are typically placed at 20' intervals and at the property or lot line. Expansion joints shall be placed between curb and sidewalk. Expansion joints shall be placed between concrete of different thicknesses or to match existing expansion joints. Every effort shall be made to isolate sidewalk hardware or other fixed objects in the sidewalk such as fire hydrants and electrical boxes with expansion material. Expansion joint filler material shall be placed to full depth of sidewalk.
All expansion joints shall be recessed $^1/_2$" below finished sidewalk surface and sealed with Department specified sealer as soon as practical. The sealer should be applied carefully to avoid over-spilling onto sidewalk surface area. The joints are to be flush with the finished surface. Joints shall not be sealed during freezing temperatures.
(vi) The concrete shall be poured and finished in accordance with the specifications.
(vii) Flags shall be 5'x 5' where feasible. The following methods of scoring shall be employed unless otherwise approved by the Commissioner. The frontage of each building shall be divided by five. If it is exactly divisible, all flags shall be 5' wide; if not, the flags shall be plus or minus in an amount which will make them as near to 5' as possible. Cross flag scoring shall be at 90 degrees to the building line and curb. The flag markings along the sidewalk between the curb and property line shall be parallel with the property line and curb and be uniformly 5' apart commencing at the curb, with the odd flag width, if any, nearest the property line.
(viii) All flags containing substantial defects shall be fully replaced. Patching of individual flags is not permitted.
(ix) When an existing concrete sidewalk is to be replaced and the foundation material meets specifications, the foundation material can be retained and graded to the required subgrade. Any foundation material not meeting specification shall be removed.
(x) Sidewalk grades. Unless the Department grants a waiver of grade, permanent sidewalks shall be laid to the legal curb grades.

(xi) Transverse slope. Sidewalks shall be laid to pitch from the building line toward the curb except in special cases as noted. The minimum slope, calculated on a line perpendicular to the curb, shall be 1" in 5', and the maximum shall be 3" in 5'. Minimum slopes shall be used wherever possible.
Note: The maximum transverse slope permitted for vault lights, covers, gratings and other sidewalk structures is $1^3/_4$" in 5'.
(xii) Longitudinal slope. The longitudinal slope of the sidewalk shall be uniform and parallel to the curb at the curb's proper grade.
(xiii) Corner treatment. The two slope lines meeting at the intersection of the two building lines shall drop from a common point at the building corner toward their respective curbs at a rate within the limits prescribed by these regulations. If this is not possible, the applicant shall submit sketches or drawings, in duplicate, showing the method of treatment proposed, to the Commissioner for approval.
(xiv) Pedestrian ramps. Any person constructing, reconstructing or repairing a corner shall install pedestrian ramps in accordance with the specifications and in accordance with the latest revision of Standard Drawing H-1011.
(xv) Adjoining existing and new sidewalks. Junctions and transitions between new sidewalk and existing walk shall conform to the specifications.
(xvi) Distinctive sidewalk.

(A) A sidewalk of a distinctive design or material may be permitted and shall harmonize with the architecture of the abutting building and/or area. The property owner or designated representative shall contact the Department and submit to the Department for approval: detailed design plans, applicable fee, a duly executed Distinctive Sidewalk Improvement Maintenance Agreement (DSIMA) and material samples of the proposed sidewalk.
(B) The distinctive sidewalk shall be approved by the Public Design Commission of the City of New York prior to installation.
(C) The distinctive sidewalk shall be repaired in kind or replaced in its entirety with concrete. If a distinctive sidewalk is replaced in its entirety with concrete, the Public Design Commission of the City of New York shall approve of such replacement prior to its replacement. Changes to existing materials shall require a new DSIMA.

(xvii) Sidewalk hardware and structures.

(A) Cellar doors, gratings, underground street access covers or other similar items shall not be placed in the sidewalk unless they are of a type approved by the Department of Buildings.
(B) Any abandoned structures shall be removed and replaced with concrete side-walk.
(C) Where the existing sidewalk is the structural roof of a vault or other opening, a plan approved by the Department of Buildings, along with vault plans as required by §2-13 of these rules, shall be filed for the restoration of the sidewalk.
(D) If a sidewalk improvement is in the vicinity of subway gratings or over a subway structure, the permittee shall obtain the approval of the New York City Transit Authority prior to the commencement of any work.

(xviii) Historic Districts.

(A) In Historic Districts, property owners shall obtain written approval from the Landmarks Preservation Commission prior to the repair or replacement of sidewalks. All work shall be done in compliance with the rules of the Landmarks Preservation Commission, and in accordance with the specifications.

(B) In Historic Districts gratings, bullseyes, vault lights, iron doors and other similar structures situated in the sidewalk shall not be removed without the authority of the Landmarks Preservation Commission.

(xix) No person shall deface any sidewalk by painting, printing or writing names or advertisements, placing other inserts, attaching, in any manner, any advertisement or other printed matter, or by drawing, painting or discoloring such sidewalk, except as required by State of New York Industrial Code Rule 53 relating to Construction, Excavation and Demolition Operations at or near Underground Facilities.

(xx) Tree pits and trees.

(A) No trees shall be planted in the sidewalk area unless a Street Opening Permit is issued by the Department. No such permit shall be issued by the Department unless the prior written consent of the Department of Parks and Recreation authorizing the tree planting is furnished. Tree pits shall be constructed in accordance with the specifications.

(B) The soil level in the completed tree pits, including any paved surface, shall be flush with the sidewalk area and the maximum dimensions of the tree pit shall be 5' × 5'.

(C) No trees within the sidewalk area shall be disturbed or removed without the permission of the Department of Parks and Recreation.

(D) No trees or tree pits shall be installed in Historic Districts without a report from the Landmarks Preservation Commission.

(5) Substantial defects. Any of the following conditions shall be considered a substantial defect.

(i) One or more flags missing or sidewalk never built.

(ii) One or more flag(s) cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed.

(iii) An undermined flag below which there is a visible void or a loose flag that rocks or seesaws.

(iv) A trip hazard where the vertical differential between adjacent flags is greater than or equal to $^1/_2$" or where a flag contains one or more surface defects of one inch or greater in all horizontal directions and is $^1/_2$" or more in depth.

(v) Improper slope, which shall mean (i) a flag that does not drain toward the curb and retains water, (ii) flag(s) that shall be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards.

(vi) Hardware defects, which shall mean (i) hardware or other appurtenances not flush within $^1/_2$" of the sidewalk surface or (ii) cellar doors that deflect greater than 1" when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.

(vii) A defect involving structural integrity, which shall mean a flag that has a common joint, which is not an expansion joint, with a defective flag and has a crack that meets the common joint and one other joint.

(viii) Non-compliance with Department specifications for sidewalk construction.

(ix) Patchwork, which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped flag(s) or (ii) flag(s) partially or wholly constructed with asphalt or other unapproved non-concrete material; except that patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to this provision unless the patchwork constitutes a substantial defect as set forth in subparagraphs (i) through (viii) of this paragraph.

(g) Curb (concrete, steel faced, stone).

(1) General permit conditions.

(i) The permittee shall complete all curb construction or installation before commencing any roadway paving operation or sidewalk construction, unless otherwise permitted by the Department.

(ii) All curbs more than 20 feet in length shall be built according to specifications. A Street Opening Permit is required.

(iii) Curbs less than 20 feet in length shall be built in accordance with Standard Detail H-1054. No Street Opening Permit is required if done in conjunction with a sidewalk repair permit.

(iv) Permits for the construction or installation of drop curbs and concrete driveways shall not be issued unless authorized by a permit from the Department of Buildings.

(v) All curbs shall be built according to specifications.

(2) Recess in vault for curbs. Where a vault extends to the curb line, the permittee shall provide a recess for its entire length in which the curb may be set or reset. See the Standard Drawing on file with the Department.

(3) Permit requirements. All permits are subject to applicable provisions contained in §2-02 of these rules.

(4) No person shall deface any curb by painting, printing or writing names or advertisements, placing other inserts, attaching, in any manner, any advertisement or other printed matter, or by drawing, painting or discoloring such curb.

(5) General provisions for construction. Concrete curbs shall be 6 inches wide at the top, 8 inches wide at the bottom and 18 inches deep, or equal to the standards, measured on the back. All construction is to be at legal line and grade, or at any other line and grade approved by a Department engineer, and according to the specifications. Penetration of broken stone base will not be allowed unless the outside temperature is 50 degrees Fahrenheit or above.

(h) Roadway.

(1) Roadway pavement shall be 2 inches of asphaltic concrete wearing surface on a 4-inch penetrated broken stone base or a 4-inch compacted plant mixed binder base. Where the existing roadway is asphaltic concrete wearing course on a concrete base, restoration shall consist of matching the existing thickness but in no case shall there be less than 3 inches of asphaltic concrete wearing course on a 6-inch concrete base on compacted earth. Where soil conditions require, the base shall be constructed of such materials and depth as is acceptable to the Department.

(2) The roadway shall be paved at a minimum from the curb line to 5 feet beyond the center of the legal roadway width in front and on the sides of the property of the applicant. In no case shall the width of required roadway paving be less than 20 feet. Beyond the front of the property, there shall be access over a hard surface road to the nearest completed paved street system. If this does not exist, the applicant shall provide a pavement of at least 2 inches of asphaltic concrete graded to meet the existing paved street system. The width of such paving shall be at least 20 feet.

(3) Roadway cores.

(i) Cores shall be required for all roadway pavement in excess of 100 lineal feet. A core shall be taken by the applicant for every 700 square yards of paved roadway or fraction thereof, in such manner as directed by the supervising engineer. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department or self certified by a Professional Engineer or Registered Architect.

(ii) Where the length of roadway pavement is less than 100 lineal feet, the requirement of cores may be waived provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms with the

specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor.)

(iii) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the legally established grades as built under the terms of the permit. A final survey showing the actual grades as built shall be filed with the Department's borough office and the Topographical Bureau of the office of the applicable Borough President.

(4) The Department will issue a letter of acceptance for maintenance subject to the guarantee period of the roadway pavement, to the builder or developer if the roadway pavement meets the requirement of the permit and the specifications.

Section 2-10

TEMPORARY INSTALLATIONS FOR FLOOD MITIGATION AND SECURITY PURPOSES

(a) Permit Required.

(1) The Commissioner may issue permits for the placement or installation of flood mitigation systems as defined in this section and temporary structures for security purposes to be placed on sidewalks or roadways in accordance with this section.

(2) It shall be a violation of these rules to erect, place or install the following on a sidewalk or roadway without a revocable consent pursuant to Chapter 7 of this Title or a permit pursuant to this section:

(i) a temporary structure for security purposes; or

(ii) any component part of a flood mitigation system unless such component part is a permitted encroachment pursuant to Chapter 32 of the New York City Building Code.

(b) Permit Requirements. All permits are subject to applicable provisions contained in §2-02 of these rules.

(c) Definitions.

(1) Flood Mitigation System. The term "flood mitigation system" means a group of interconnected component parts, including barriers, walls, and/or any ancillary structure such as stairs or ramps necessary for ingress or egress, that surround a building, portion of a building, or public service corporation facility, and are certified by a New York State Licensed Professional Engineer as being capable of preventing water from entering the building, portion of a building, or public service corporation facility during a trigger event. A flood mitigation system may or may not include flood mitigation system footings.

(2) Flood Mitigation System Footing. The term "flood mitigation system footing" means an at or below ground component part of a flood mitigation system that must remain in place at all times in order to expedite the installation of the remaining elements of the flood mitigation system.

(3) Trigger Event. The term "trigger event" means a hurricane, tropical storm, non-tropical storm, or other severe weather event forecasted to affect the City of New York and result in moderate or major flooding, as such terms are used by the National Weather Service and/or National Hurricane Center through the issuance of Hazardous Weather Outlook advisories or other advisory methods.

(d) Temporary Security Structures.

(1) Notwithstanding any inconsistent provision of these or any other rules, the Commissioner may issue a permit for a period of one year for temporary structures placed on sidewalks for security purposes. Such structures shall include, but not be limited to, concrete barricades, large planters and fencing.

(2) Notwithstanding any inconsistent provision of these rules, for the purposes of this subdivision, the standards and clearances in Chapter 7 of this title shall apply. For concrete barricades the standards for planters in Chapter 7 shall apply.

(3) A permit issued pursuant to this subdivision may be revoked or modified at will by the Department.

(4) Such permit may be renewed for a maximum of two consecutive six-month periods. The approval of the New York City Art Commission shall be obtained prior to the grant of a renewal.

(5) At the expiration of the permit and any renewal, if applicable, the person or entity wishing to continue to maintain such structures shall do so only pursuant to a revocable consent obtained from the Department pursuant to the provisions of Chapter 7 of this title.

(e) Flood Mitigation Systems.

(1) (i) Notwithstanding any inconsistent provision of these or any other Department rules, the

Commissioner may issue a permit for a flood mitigation system to be placed on a sidewalk or roadway, except where such system is a permitted encroachment pursuant to chapter 32 of the New York City Building Code.

(ii) Except in the case of a public service corporation facility, the Commissioner will only issue a permit pursuant to this section to an applicant:

(A) for the protection of a building or a portion of a building erected prior to January 8, 2015 or where a lawful building permit is issued by the Department of Buildings for the erection of such building prior to January 8, 2016; or

(B) for the protection of a building or portion of a building located within an area of special flood hazard, as such term is defined in section G201.2 of Appendix G of the New York City Building Code.

(iii) Notwithstanding any inconsistent provision of these or any other rules, for the purposes of this subdivision, the general conditions in Section 7-06 of this title shall apply to flood mitigation systems.

(iv) Prior approvals. As a condition of applying for a permit pursuant to this paragraph, the applicant must submit to the Department evidence of the following prior approvals:

(A) Applicants shall provide evidence of approvals or of no objection obtained from the New York City Department of Buildings and the New York City Fire Department, and shall submit such evidence to the Department.

(B) Applicants must submit to the Department for review and approval a flood mitigation system plan ("Flood Mitigation Plan"). The Flood Mitigation Plan must explain how the flood mitigation system will operate and demonstrate compliance with the general conditions set forth in Section 7-06 of this title, including but not limited to the clear path requirements set forth in Section 7-06(c)(3), as described in clause c of this subparagraph. The Department will notify the applicant in writing whether the Flood Mitigation Plan has been approved or rejected and whether additional information is required for approval. The Department will consult with the Department of Environmental Protection and any other agency the Department deems necessary or desirable regarding an application for a permit for a flood mitigation system prior to its approval of such application. Approval of a Flood Mitigation Plan may be suspended or revoked by the Department at any time. If approval is suspended or revoked pursuant to this paragraph, the Department will notify the applicant in writing, stating its reasons for such action.

(C) Clear Path Requirements.

(1) Permittees have a continuing obligation to comply with the clear path requirements set forth in Section 7-06(c)(3) of this title. Applicants for a permit pursuant to this paragraph must demonstrate compliance with such clear path requirements. In the event that field conditions will not allow for a flood mitigation system, once installed, to comply with such clear path requirements, the applicant shall cause a New York State Licensed Professional Engineer to produce and submit to the Department for review and approval, an authorized compliance plan for the maintenance and protection of traffic to assist motorists, pedestrians, bicyclists, and others to proceed around the obstructed path ("Compliance Plan"). Permittees shall comply with the Compliance Plan at all times that a permit is in effect.

(2) In the event that a flood mitigation system, once installed, will no longer comply with the clear path requirements set forth in Section 7-06(c)(3) of this title due to a change in conditions since the Flood Mitigation Plan was approved, the applicant shall notify the Department no less than ten days after the applicant knew or should have known of such changed condition. The

Department may require the applicant to submit additional information, including an amended Flood Mitigation Plan and Compliance Plan.

(D) The Department will notify the applicant in writing once the prior approval requirements of this subparagraph (iv) have been met.

(v) Once a trigger event has occurred and prior to installation of flood mitigation system components, exclusive of flood mitigation system footings, applicants must apply to the Department for an emergency permit number. Applicants must ensure that at the time of the application for such number, all prior approvals required in subparagraph (iv) of this paragraph have been obtained, and the flood mitigation system, once installed, will comply with the clear path requirements set forth in Section 7-06(c)(3) of this title. No installation of a flood mitigation system, exclusive of flood mitigation system footings, may begin before the receipt of an emergency permit number, provided that an application for a permit pursuant to this subparagraph shall be deemed approved unless the Department notifies the applicant that such applicant's Flood Mitigation Plan needs to be revised within forty-eight (48) hours of submitting such application.

(vi) Installation and Removal of Flood Mitigation Systems.

(A) Permittee may install flood mitigation system components, exclusive of flood mitigation system footings, a maximum of seventy-two (72) hours prior to the occurrence of a trigger event.

(B) Permittee shall remove flood mitigation system components, exclusive of flood mitigation system footings, that it installed prior to the occurrence of a trigger event, within forty-eight (48) hours of water receding from the street, or if the weather system that is the subject of the trigger event is no longer forecasted to affect the City of New York, or such weather system is no longer predicted to result in moderate or major flooding, within forty-eight (48) hours of the change in forecast or prediction.

(2) Additional Authorizations Required for Flood Mitigation System Footings.

In addition to receiving a permit in accordance with paragraph (1) above, no person shall install flood mitigation system footings upon a sidewalk or roadway, unless such flood mitigation system footing is a permitted encroachment pursuant to chapter 32 of the New York City Building Code, without first obtaining from the Department either:

(i) A revocable consent for the flood mitigation system footings pursuant to Section 7-04 of this title; or

(ii) A permit issued for a period of not more than one year for the flood mitigation system footings, at the expiration of which the flood mitigation system footings shall be removed if a revocable consent pursuant to Section 7-04 of this title is not obtained.

Section 2-11

STREET OPENINGS AND EXCAVATIONS

(a) Permit Required.

(1) No excavations shall be made in any street unless a Street Opening Permit is obtained.

(i) For plumbing work requiring a street opening or excavation, a Street Opening Permit will only be issued to a business or businesses set forth on the plate issued to licensed master plumbers pursuant to 28-401.3 of the Administrative Code.

(A) The licensed master plumber shall be required to provide a valid New York City plate issued by the New York City Department of Buildings indicating the master plumber business or businesses under which the licensed master plumber practices his or her trade, or a valid copy of the same. The licensed master plumber shall also present a copy of any documentation issued by the New York City Department of Environmental Protection regarding the plumbing work that is to be conducted. These items must be submitted to the Department before the Department approves the Street Opening Permit.

(B) The Commissioner may suspend review of applications for permits under this subparagraph, revoke or refuse to renew a permit, or refuse to issue a permit to any applicant, pursuant to the provisions of §2-02(j), 2-02(k), or 2-02(l) of these rules.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, for any work performed pursuant to a valid contract with a local or state governmental entity requiring a street opening or excavation, a Street Opening Permit will only be issued to the contractor retained by the local or state governmental entity to perform the work requiring the street opening or excavation.

(2) Prior to any excavation or street opening pursuant to a franchise or revocable consent, all permits required by these rules shall be obtained.

(3) Street Construction in Historic Districts. No planned street construction, reconstruction or maintenance operation shall be undertaken in a designated historic district unless preapproved in writing by the Landmarks Preservation Commission. The provisions of subdivision (g) of this section also apply.

(b) Permit requirements.

(1) All permits are subject to applicable provisions contained in §2-02 of these rules.

(2) A Permittee shall obtain a separate permit for each 300 linear feet of a block segment and for each intersection where work is to be performed.

(c) Conditions.

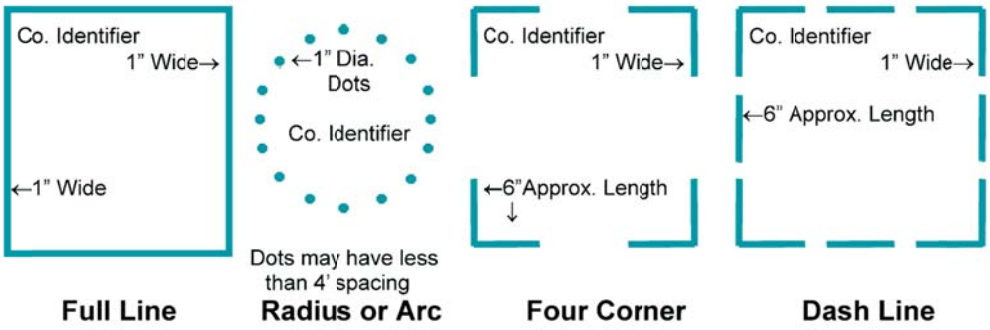
(1) Proper notification.

(i) Permittees and owners of underground facilities must comply with State of New York Industrial Code Rule 753 relating to construction, excavation and demolition operations at or near underground facilities.

(ii) Permittees must take the precautions necessary to protect and prevent damage to pipes, mains, conduits, and other underground facilities at their own expense.

(iii) Mark out requirements. Permittees must delineate the proposed area of excavation but must take measures to limit the geographical area to be marked out and must avoid excessive or oversized markings. Permittees must ascertain, to the extent possible, the precise area of excavation and mark the corresponding area fifteen feet to the right and fifteen feet to the left in accordance with this subparagraph. The proposed area of excavation must be marked with temporary white paint by using a continuous line, dots marking a radius or arc, or dashes outlining the excavation project. Dashes must be 6” to 12” in length and 1” in width. Dots must be 1” in diameter.

The illustration below includes suggested examples of how the proposed area of excavation should be marked by using a continuous line, dots marking a radius or arc, or dashes.



(2) All work shall be done in accordance with the specifications and the provisions of this §2-11.
(3) All debris on the street shall be removed at the expiration of the permit, unless otherwise stipulated.

(d) Application.

(1) Applications shall include:

(i) a description of the work to be performed;
(ii) the reason for the work;
(iii) the street address including the nearest cross streets where the excavation or street opening is to be made;
(iv) a sketch indicating the size and location of the proposed opening(s) which shall include:
(A) the distance in feet from the nearest intersection and from the nearest curbline;
(B) the dimensions of the opening including length and width; and
(C) the existing parking restrictions.
(v) the start and estimated completion dates;
(vi) the type of pavement or surface to be opened;
(vii) whether the proposed work will be on a protected street (if so, the provisions of the subdivision (f) of this section apply);
(viii) the name and address of the compaction testing company or laboratory, as required;
(ix) the name of the contracting City agency, contract number, and OCMC reference number, if applicable; and
(x) whether the proposed work will be within 100 feet on, above or below or in either direction of any portion of a bridge, tunnel, underpass or overpass (if so, approval from the Division of Bridges shall be obtained). For purposes of this section "portion" shall include, but not be limited to, approach slabs, retaining walls, and column supports. The method of excavation and final restoration shall be determined by the Division of Bridges.

(2) No trees within the sidewalk area shall be disturbed or removed without the permission of the Department of Parks and Recreation.
(3) A permittee performing curb to curb restoration on more than fifty (50) percent of a block segment on a non-protected street shall submit a protected street determination form to the Department for approval prior to obtaining any necessary permits. Such form shall be attached to the permit application. This requirement shall not apply to permittees performing work for the Department or for the Department of Design and Construction.

(e) Excavation and Restoration Requirements.

(1) Proper Notice.

(i) Permittees shall notify the Police Department and the Communications Centers of the Fire Department and the Department of Transportation of construction and street operations which require street closing permits at least twenty-four hours in advance of the commencement of non-emergency work.

(ii) All permittees shall comply with the provisions of subdivision (g) of §2-02 of these rules, if applicable.

(2) Breaking Existing Pavement. Precutting of pavement wearing course and base shall be required for pavement removal. The use of a "Ram Hoe" or truck mounted pavement breaker is not permitted, unless otherwise authorized. Only hand held tools may be used for this purpose. This applies to all streets at all times. The permittee shall be responsible for keeping the construction area as clean and neat as possible during the permit life. No material shall restrict water flow in gutters. All possible arrangements for the safety of the general public shall be maintained. Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.

(3) Excavation.

(i) Sheeting and Bracing. The sides of every open excavation five feet or more in depth shall be securely held by adequate timber, sheeting and bracing where the earth is not sloped to the angle of repose of the material, and where unsafe conditions are created due to composition of the soil, climatic conditions, depth of excavation or construction operations.

(ii) Tunneling or Jacking. No person shall make any installation or repair between two or more street openings by means of tunneling or jacking, without a permit.

Tunneling or jacking may be permitted for the installation or replacement of a lateral connection provided the opening does not exceed eight inches in diameter. Full trenching shall be required for all waste line repair/connections.

(4) Traffic Maintenance.

(i) No more than one lane of traffic may be obstructed, except as provided by OCMC stipulations, or as otherwise authorized by the Commissioner.

(ii) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades pursuant to §2-01.1 of these rules shall be used until the leak is corrected.

(iii) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to §2-01.1 of these rules.

(iv) The permit may restrict street operations and construction within critical areas to nights, weekends, or off-traffic hours. (Hours other than weekdays 7 a.m.-6 p.m. will require a noise variance granted by OCMC.)

(v) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

(5) Temporary Closing of Sidewalks. A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of unobstructed pedestrian passageway, a temporary sidewalk closing permit is required.

(6) Work Site Maintenance.

(i) All excavated material shall be either removed from the site or stockpiled at a designated curb, properly barricaded pursuant to §2-01.1 of these rules and stored to keep gutters clear and unobstructed in accordance with §2-05 of these rules.
(ii) All obstructions on the street shall be protected by barricades, fencing, or railing, with flags, lights, or signs placed pursuant to §2-01.1 of these rules at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

(7) Storage of Materials.

(i) A street opening permit includes permission to store construction materials in a designated area adjacent to the permitted worksite only during permitted hours. Storing materials after permitted hours shall require a separate permit.
(ii) No separate permit shall be required for the storage of equipment, excluding cranes, in a designated area in compliance with any applicable stipulations on the permit.
(iii) The designated storage area(s) are subject to review and approval by OCMC.

(8) Backfill and Compaction.

(i) Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the specifications. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris. Notwithstanding the above, asphalt millings may be used as a backfill material.
(ii) Backfill material shall be deposited in horizontal layers not exceeding twelve inches in thickness prior to compaction. A minimum of ninety-five percent of Standard Proctor Maximum Density will be required after compaction.
(iii) When placing fill or backfill around pipes, layers shall be deposited to progressively bury the pipe to equal depths on both sides. Backfill immediately adjacent to pipes and conduits shall not contain particles larger than three inches in diameter.
(iv) Compaction shall be attained by the use of impact rammers, plate or small drum vibrators, or pneumatic button head compaction equipment. Hand tamping shall not be permitted except in the immediate area of the underground facility, where it shall be lightly hand tamped with as many strokes as required to achieve maximum density. The definition of the "immediate area" shall be a maximum of eighteen inches from the facility.
(v) Where sheeting has been used for the excavation it shall be pulled when the excavation has been filled or backfilled to the maximum unsupported depth allowed by the New York State Department of Labor, Industrial Code Rule 23 and Title 29, Code of Federal Regulations, Part 1926, Safety and Health Regulations for Construction. Where a difference exists between regulations, the more stringent requirements shall apply.
(vi) As a measure of maximum density achieved for restoration, the pavement surface shall not sink more than two inches from the surrounding existing surface during the life of the restoration. More than two inches of settlement shall be deemed a failure of the compaction of the backfill and cause the removal of said backfill to the subsurface facility and new fill installed and properly compacted.
(vii) The permittee shall be required to supply a tester certified by a professional engineer, or certified by other methods as authorized by the Commissioner, on all street openings to perform compaction tests. The permittee shall also be required to maintain copies of all in-process compaction reports certified by a Professional Engineer as to the compliance with the aforementioned backfill requirements set forth within this section. The certified compaction report shall be maintained for every street opening and shall be available upon request by the Commissioner for the duration of the guarantee period.

(9) Temporary Asphaltic Pavement.

(i) Immediately upon completion of the compaction of the backfill of any street opening, the permittee shall install a temporary pavement of an acceptable asphalt paving mixture not less than four inches in thickness after compaction, flush with the adjacent surfaces.
(ii) The permittee has the option of installing full depth pavement using an acceptable asphalt paving mixture immediately upon completion of the compaction of the backfill, excluding reconstructed protected streets and full-depth concrete roadways.
(iii) Upon the expiration of the permit, all equipment, construction materials and debris shall be removed from the site, unless otherwise stipulated.
(iv) When final restoration is to be done, the materials are to be removed with hand tools to a depth necessary to accomplish the final restoration.

(10) Plating and Decking.
(i) All plating and decking installed by the permittee shall be made safe for vehicles and/or pedestrians and shall be adequate to carry the load.
(ii) The size of the plate or decking must extend a minimum of 12 inches beyond the edge of the trench, be firmly placed to prevent rocking, and be sufficiently ramped, covering all edges of the steel plates to provide smooth riding and safe condition.
(iii) All plating and decking shall be fastened by splicing, spiking, pinning, countersinking or otherwise protected to prevent movement. When the plates are removed all pins and spikes must be removed and the holes must be filled with a fine asphalt concrete mix.
(iv) Where deflection is more than $^{3}/_{4}$", heavier sections of plates or decking or intermediate supports shall be installed.
(v) All permittees who install plating and decking during the winter moratorium, as determined by the Department, shall post signs at the site indicating "Steel Plates Ahead" or "Raise Plow" and countersink said plates flush to the level of the roadway. All signs shall comply with all applicable requirements pursuant to §2-01.1 of these rules. These signs shall be placed on the sidewalk, adjacent to the curb, facing vehicle traffic five feet prior to the plates. On two-way streets, signs shall be placed on both sides of the street five feet prior to the plates.
(vi) All plating and decking shall have a skid-resistant surface equal to or greater than the adjacent existing street or roadway surface.
(vii) All plating and decking must be removed from the roadway and/or sidewalk after completion of the final restoration or prior to the expiration of the permit.

(11) Base.
(i) Concrete and asphalt base material shall conform with Department specifications.
(ii) Concrete base shall be properly plated except where other stipulations have been granted in writing by OCMC.
(iii) Concrete for base shall be plated in a driving lane and intersections or barricaded pursuant to §2-01.1 of these rules in a parking lane for a minimum of three days to permit proper cure of concrete, unless otherwise specified by the Department.
(iv) Hot asphalt binder materials may be used in place of concrete for non-protected and/or resurfaced streets at a thickness ratio of one and one-half inch of asphalt for every inch of concrete.
(v) The concrete base shall be restored at the same grade as the existing base; at no time may it be brought up to the asphalt course unless authorization has been granted by the Commissioner.
(vi) At no time will asphalt other than binder be permitted as a base course, unless otherwise authorized by the Commissioner. Binder shall be installed and compacted in a maximum of four (4") inch lifts.
(vii) Conduit or pipes shall be installed at a minimum depth of 18 inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be

installed at the required minimum depth, protective plating shall be installed over the facilities upon written request from the permittee and receipt of written approval of the Department.

(viii) All hot asphalt binder based restorations or any form of temporary restoration must be flush with the surrounding pavement until the wearing course is installed. Binder based restorations must be removed to a depth of two (2") inches prior to installing the wearing course.

(12) Wearing Course.

(i) Wearing course material shall conform to the Department's specifications.

(ii) The finished grade of the wearing course shall be flush with surrounding pavement on all sides of the cut; the restored wearing course shall extend for a distance of six inches (6") beyond the edge of the base course. In the event a permanent restoration pavement installed settles more than two inches (2") below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case, the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.

(iii) The minimum thickness of the wearing course on full depth asphalt restoration shall be two inches (2").

(iv) When more than one roadway opening is made against a single permit and the openings are less than three feet apart after the required cutbacks, the existing wearing course between such openings shall be restored integrally with the opening wearing course restoration, in accordance with the current Standard Detail H-1042.

(v) When a street opening is twelve inches or less from the curb, the entire pavement between the opening and the curb shall be excavated and replaced in kind, in accordance with the current Standard Detail H-1042. The pavement base shall be inspected and repaired where necessary and a new wearing course shall be installed from the curb to the street opening. The areas described above shall be included in the permittee's guarantee.

(vi) Whenever any street is excavated, the permittee shall restore such street in kind as to material type, color, finish or distinctive design.

(vii) Pavements shall be restored in kind in designated historic districts and on streets constructed with cobblestones or other distinctive pavements, or as directed by the Commissioner.

(viii) The wearing course shall be properly sealed completely at the edges of the cut with liquid asphaltic cement ironed in with a heated smoothing iron or by means of infrared treatment to prevent water seepage into the pavement.

(ix) Permittees shall be required to obtain a permit for any changes to, or installation of temporary roadway pavement markings and temporary construction, parking or regulatory signs and supports, including, but not limited to, crosswalks and lane lines. Unless otherwise directed by the Commissioner, all roadway pavement markings, including but not limited to, crosswalks and lane lines, and any parking or regulatory signs or supports shall be replaced in kind to Department specifications. All construction signs and supports and pavement markings shall be removed prior to the expiration of the permit.

(x) Final (permanent) restorations shall be completed prior to the expiration of the permit. During winter months, temporary asphalt and pavement markings shall be placed at the expiration of the permit and maintained until such time as the final restoration may be completed.

(xi) For trenches on protected streets, six inches (6") of base and six inches (6") of the wearing course shall be cut back on both sides of the trench. For trenches on non-protected streets, six (6") inches of the wearing course shall be cut back on all sides of the trench, provided, however, the total cut must be a minimum of eighteen inches (18") wide.

(xii) Any permittee performing work on a street pursuant to paragraph (3) of subdivision (d) of this section shall notify the Department within twenty-four (24) hours of the completion of the work on the same protected street determination form as submitted with the permit application pursuant to such paragraph (3) of subdivision (d) of this section.

(13) Concrete Pavements.

(i) When street openings are made in concrete pavements, the pavements shall be saw cut full depth for the entire perimeter of the street opening.

(ii) The concrete restoration shall have the same depth, strength and finish as the original pavement.

(iii) The restoration area shall be plated and maintained until enough strength has developed to sustain traffic without deleterious effect to the roadway.

(iv) Reinforcing shall be replaced in kind and spliced as per specifications for reinforced concrete pavement.

(v) Asphalt restorations will not be permitted in concrete streets or concrete bus stop areas.

(vi) All restorations shall conform with the latest version of Department standard details 1042A, 1042B or 1042C, as determined by the Department.

(14) Color Coding.

(i) At each excavation, the permittee shall either paint temporary circles or install permanent colored markers as required in this paragraph, for the purpose of easily identifying the permittee's openings and restorations.

(ii) If the work is not complete, upon leaving the site the permittee shall paint three inch (3") circles adjacent to the cut, in the area closest to the curb line, in accordance with the placement and color requirements as specified below.

(iii) Upon completion of the restoration, the permittee shall install colored markers as specified below, unless another method is approved by the Department. Permittees shall be required to maintain these markers throughout the guarantee period.

(iv) Placement of Coding and Markers.

(A) Permanent markers shall be imbedded at zero grade tolerance, or slightly below, in the new asphalt or concrete without the use of nails and shall be of one piece construction.

(B) For cuts or trenches ten feet (10') or less, one temporary painted circle or permanent colored marker shall be placed in the linear center of the cut.

(C) For cuts or trenches up to fifty feet (50'), one temporary painted circle or permanent colored marker shall be placed at each end of the excavation.

(D) For cuts or trenches over fifty feet (50'), temporary painted circles or permanent colored markers shall be placed every twenty-five (25) linear feet maximum and one shall be placed at each end of the excavation.

(v) Such markers shall be in the shape of a circle measuring between one and one-half inches ($1^1/_2$") and three-inches (3") in diameter, color-coded as specified below, and shall include only the permittee's five-digit identification number and the two-digit year, unless other information is approved by the Department. The two-digit year shall be placed in the center of the marker, and the five-digit identification number shall be placed above the two-digit year.

(vi) Specifications. Such markers shall also be UV-stable and designed not to fade significantly.

(vii) Color codes shall be assigned through Quality Control Procedure Q.P. 3 for permittees other than those listed below. Final pavement markers may be used as an alternative to color codes provided such use is approved by the Department.

(A) Verizon-Cherry red marker

(B) Empire City Subway-Chrome yellow marker

(C) Consolidated Edison Co.-Light blue marker
(D) Keyspan-White marker
(E) Plumbers (water or sewer)-Green marker
(F) Signals and Street Lights-Orange marker
(G) Long Island Power Authority-Yellow marker
(H) Metropolitan Transit Authority-Purple marker
(I) Buckeye Pipe Line-Chrome yellow marker
(J) Fire Department-Purple marker
(K) Cable T.V.-Regal blue marker

(15) Quality Control Program Requirement for Roadways.

(i) All permittees engaged in street openings, shall complete the work so as to provide smooth riding surfaces throughout the guarantee period on their respective restorations.
(ii) A documented quality history of restoration shall be maintained by the responsible permittee. This information should show that inspections are made at some optimum intervals to assure conformance to the guarantee.
(iii) Quality Control Program information shall be made available to the Bureau upon request.
(iv) The use of experimental methods or materials may be authorized under selective conditions, upon application to the Bureau for approval prior to use on the City streets.
(v) Any permittee may file a proposed Quality Control Program with the Commissioner for approval. The Commissioner may waive any of the foregoing specification requirements as part of an approved program of Quality Control. Any waiver so granted shall remain in effect as long as the approved program is implemented in a manner satisfactory to the Commissioner or until the Commissioner's approval is rescinded.

(16) Other Requirements.

(i) Street Opening Location Form ("Cutforms")

(A) Permittees shall maintain a street opening location form ("cutform") at their office and shall provide this form to the department upon request. Such cutform shall include the following information:
1. a sketch showing the exact dimensions and location of the restored area, and a description of the opening or trench defined by distance in feet from the nearest intersection and from the nearest curbline;
2. the street opening permit number;
3. the date of completion of the final restoration;
4. the name of the final pavement restoration contractor; and
5. a compaction report certified by a New York State licensed professional engineer.

(B) Failure to submit a cutform upon request may jeopardize future permit requests and may subject permittees to summonses.

(ii) Guarantee period. Permittees shall be responsible for permanent restoration and maintenance of street openings and excavations for a period of three years on unprotected streets, and up to five years on protected streets commencing on the restoration completion date. This period shall be the guarantee period.
(iii) Permittees shall comply with all applicable sections of these rules, the specifications, and all other applicable laws or rules.

(f) Excavations and Street Openings in Protected Streets. No street opening activity shall be allowed, except for emergency work or as authorized by the Commissioner, in a protected street for a period of five years from the completion of the street improvement. In addition to this subdivision (f), all provisions of §2-11 shall apply to protected streets.

(1) Permit Issuance. No permit to use or open any street, except for emergency work, shall be issued to any person within a five year period after the completion of the construction of a

capital project relating to such street requiring resurfacing or reconstruction unless such person demonstrates that the need for the work could not have reasonably been anticipated prior to or during such construction. Notwithstanding the foregoing provision, the Commissioner may issue a permit to open a street within such five year period upon a finding of necessity therefor.

(2) Conditions.

(i) Permittees shall be responsible for contacting the Department of Design and Construction to determine whether a street is scheduled to be rebuilt under a street reconstruction project. Notwithstanding the foregoing provision, a permittee performing emergency work need not contact such Department.

(ii) A permittee who has obtained a street opening permit on a protected street must also obtain a confirmation number for each such permit, prior to the expiration of the permit. The permittee must request and obtain such confirmation number through the Department's website (www.nyc.gov/dot) or other Department-approved method. A permittee commencing restoration work on a protected street must also request and obtain such confirmation number subject to the additional requirements contained in §2-11(f)(4)(i) of these rules.

(3) Application.

(i) Permittees shall include on the application the justification for any street opening activities on protected streets.

(ii) The permittee shall attach the "Protected Street Opening Permit Application Attachment" to the Street Opening permit application prior to obtaining the permit.

(4) Restorations.

(i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee who has obtained a street opening permit also obtains a confirmation number notifying the Department of such restoration work. The permittee must obtain such confirmation number at least two hours prior to the scheduled start time for the backfill except as otherwise authorized by the Commissioner. The permittee must request and obtain such confirmation number pursuant to §2-11(f)(2)(ii) of these rules. In no case shall the permittee commence the backfill prior to the scheduled start time. In addition, during the backfill and compaction phase of the work, the permittee must provide, on site, a certified compaction technician from an approved laboratory to test that the compaction of the backfill is in accordance with the Department's rules and specifications. No base or wearing course of any opening or excavation on a protected street shall be performed unless the permittee obtains a separate and additional confirmation number pursuant to §2-11(f)(2)(ii) of these rules or faxes its daily paving schedule to the Department prior to commencing work.

(ii) The Department may inspect any phase of the work, including but not limited to, initial excavation, backfill and compaction, performance of required cut backs, and final restoration.

(iii) A certification issued by a New York State licensed professional engineer shall be provided to the Department within thirty days of completion of work on protected streets. The certification shall state that the type of work performed was as described in the permit application, and that all phases of the restoration were performed in accordance with Department rules and specifications. Upon demand by the Department or as directed by the Commissioner, the permittee shall furnish copies of in-process compaction reports certified by a Professional Engineer as to the compliance with the backfill requirements set forth within this section. All records must be kept by the permittee and made available to the Department for the duration of the guarantee period.

(iv) Permittees shall be responsible for the proper repair of the street opening or excavation for a period of three years from the date of completion or for the duration of the protected street guarantee period, whichever is longer.
(v) All restorations shall conform with the latest version of Department standard details 1042A, 1042B or 1042C, as determined by the Department.
(vi) Where street openings cannot be confined to within 8 feet of the curb line, including the required cut back, and/or within the sidewalk area and where protected street status has been in effect for 18 months or less, the permittee shall restore the street opening or excavation pursuant to the Department's protected street restoration requirements, unless otherwise directed by the Commissioner.
(vii) The permanent restoration shall be flushed with the surrounding pavement on all sides of the restoration. In the event a permanent restoration pavement installed in violation of the provisions of subparagraph (i) of this paragraph (4) settles more than two inches (2") below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case, the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.

(g) Emergency Street Openings and Excavations.

(1) Permit Requirements.

(i) No person shall perform emergency work without obtaining an emergency number from the Department. Permittees shall fax the Emergency Street Opening Permit request form to the Department's Emergency Authorization Unit to obtain an emergency permit number, unless otherwise directed by the Commissioner.
(ii) An emergency permit number may be requested only for emergency work performed on existing services. An emergency permit number shall not be obtained for work to be performed pursuant to a CAR.

(2) Conditions.

(i) A permittee shall begin emergency work within two hours after obtaining an emergency permit number.
(ii) A permittee shall perform emergency work on an around-the-clock basis until the emergency is eliminated, unless otherwise directed by the Commissioner. Once the emergency is eliminated on a critical roadway listed in subdivision (c) of §2-07 of these rules, the permittee shall suspend work, restore the full width of the roadway and resume work, if necessary, during the nonrestricted hours indicated in that subdivision. Such resumption of work shall only be undertaken within the 48-hour duration of the emergency permit number. A permittee working with an emergency number on a roadway other than a critical roadway may suspend or resume work at any time within the 48-hour period covered by the emergency number.
(iii) No more than one lane of traffic may be obstructed, however, if an emergency street opening is larger than 8 feet by 10 feet, permittee may occupy up to a maximum of 12 feet on one side of the opening and a maximum of 6 feet on the other side.
(iv) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades shall be used pursuant to §2-01.1 of these rules until the leak is corrected.
(v) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to §2-01.1 of these rules.
(vi) A minimum of five feet sidewalk width of unobstructed pedestrian passageway shall be maintained at all times. Where openings and excavations do not allow for five feet of

unobstructed pedestrian passageway, pedestrians shall be directed by signs to the opposite sidewalk.

(vii) No private vehicles shall be kept within the work area.

(viii) A permittee shall submit an application for a regular permit, and for Landmarks Preservation Commission permits if applicable, within two business days of receiving an emergency permit number.

(ix) Restorations shall be made with in-kind materials.

(x) Emergency work in the African Burial Ground and Commons Historic District areas, requires the permittee excavate with utmost caution and the permittee shall not remove any excavation or debris from the site prior to Landmarks Preservation Commission's review of the excavation.

(xi) If any emergency street opening results in a width of less than 11 feet in each direction for vehicular traffic, this shall be deemed a full roadway closure. In such case, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing.

(xii) Emergency permit numbers shall be kept on site and shall be presented upon the request of any police officer or other City employee authorized by the Commissioner to enforce these rules. Any additional information regarding the emergency work that is requested at the site by a Department inspector shall be provided by the permittee and/or the persons performing such work.

(xiii) Flagpeople. Permittees whose work results in the closing of a moving traffic lane, which requires traffic to be diverted to another lane, shall, at all times while actively working at the site, post a flagperson or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists and pedestrians to proceed around the obstructed lane.

(xiv) All permittees shall comply with the provisions of subdivision (g) of §2-02 of these rules, if applicable.

(3) Application. When applying for an emergency permit number by fax, a permittee shall submit all information required by the Department. This information includes, but is not limited to, the following:

(i) Name of permittee

(ii) Permittee ID #

(iii) Location of emergency (including borough)

(iv) Type of emergency (including interruption of service)

Section 2-12

VACANT LOTS

(a) Property owners' responsibility. Whenever the Commissioner shall so order or direct, property owners shall, at their own expense:

(1) fence any vacant lot(s);

(2) fill any sunken lot(s) in compliance with §2-06 or other requirements of these rules;

(3) cut down any raised lot(s) in accordance with the specifications of the Department and §2-02 of these rules.

(b) Failure to comply. Upon the property owner's failure to comply with the requirements of paragraph (a), above, the Department may perform the work or cause it to be performed, the cost of which, together with the administrative expenses, shall constitute a debt recoverable from the owner by lien on the property affected, pursuant to §19-152 of the Administrative Code.

(c) Reinspection. Upon request of the property owner to the appropriate borough office, the Department shall provide a reinspection by a different departmental inspector than the one who conducted the first inspection.

(d) Permit requirements. The property owner shall obtain a permit from the Department before performing any work pursuant to this section. All permits are subject to applicable provisions contained in §2-02 of these rules.

Section 2-13

VAULTS

(a) Vault defined. A vault is any opening below the surface of the street and outside the property line that is covered over.

(b) Exceptions. This §2-13 shall not apply to:

(1) Openings that are used exclusively as places for egress or ingress by means of steps to the cellar or basement of any building.

(2) Openings that are used primarily for light and ventilation.

(3) Openings constructed or maintained by utility companies, which are regulated under a separate agreement with the City.

(4) Subways, railroads and related structures that are controlled by a public authority.

(c) License required. A license shall be obtained prior to construction of a new vault or enlargement of an existing vault. A revocable consent shall be required for any vault that extends further than the line of the sidewalk or curbstone of any street.

(d) Permit required. No vault shall be constructed, altered or repaired unless a street opening permit is obtained from the Department upon payment of the established fee.

(e) Applications.

(1) All applicants for a license and/or permit to construct, maintain, alter or repair a vault shall file a written application signed by the applicant, stating the dimensions of the vault, the number of square feet required and four $8^1/_2$" × 14" cloth copies of a plan. For existing vault repairs, blueprints may be submitted in lieu of cloth copies of the plan at the discretion of the Commissioner. Plans shall include:

(i) The address and the tax lot and block number of the vault property location.

(ii) The distance from the lot property line to the nearest corner property line.

(iii) All frontages, lot lines, and line of building abutting the street.

(iv) All distances from the lot line to the existing curb line (existing width of sidewalk).

(v) The dimensions of the vault at the outer perimeter of the walls, the depth of the vault, and the composition and thickness of the vault walls (top and cross sections).

(vi) Location of all existing or proposed steps, gratings, open areas, coal holes/chutes/slides, entrances, cellar doors, building encroachments, and all other installations in the sidewalk area.

(vii) Details and location of all manhole access covers to a boiler or underground tank, to be installed in accordance with the specifications.

(viii) Approved Department of Buildings plan.

(ix) For existing vaults, verification of annual vault charge return.

(x) For a new vault or an enlargement of an existing vault, a copy of the license agreement filed with the Division of Franchises, Concessions and Consents of the Department.

(2) All applicants shall comply with the requirements of §2-02 of these rules.

(f) Adjustments to license fee. When subsequent measurements indicate that more or less space has been taken for the construction of a vault than that originally paid for, an adjustment of fees shall be made pursuant to §19-117(e) and (f) of the Administrative Code.

(g) Limitations. No vault shall extend closer than seven feet to the established curb line unless otherwise authorized by the Commissioner. Such authorization may be granted based upon:

(1) Special conditions cited by the applicant and,

(2) Additional construction requirements, including, but not limited to:

(i) A waterproofed recess in the vault roof adequate to receive a standard curb for the entire length at which the curb may be set or reset in accordance with the Department's standard

sidewalk width even in cases where the existing or proposed sidewalk width does not conform to that standard width.

(ii) A strengthening of the vault roof to sustain live loads of six hundred pounds or more per square foot.

(iii) Adequate waterproofed recesses to accommodate existing or proposed street lights, hydrants, traffic signals and other street appurtenances to the Department's standard sidewalk width even in cases where the existing or proposed curb line does not conform to that standard width.

(h) Curb. No vault shall extend beyond the established line of the curb.

(i) Arched or covered vault. No new vault is to be arched or covered unless the owner or applicant shall have had the vault first measured by a duly licensed surveyor who shall deliver to the Department a certificate signed by him or her specifying the area of the vault, together with a diagram showing the dimensions thereof, including its sustaining walls, the location of the vault in relation to the building, curb line, and the nearest street corner intersection, the house number, the tax lot and the block numbers of the plot and all details as to sidewalk covering; in the case of an existing vault, the person claiming the right to the use thereof shall furnish a similar certificate and diagram, except that in such case the measurement shall exclude the sustaining walls if it is impracticable for the surveyor to measure the thickness. See §19-117(d) of the Administrative Code.

(j) Hoistway openings. No opening in the sidewalk area shall be constructed for the accommodation of any elevator or lift, whether manually or power operated. Existing hoistway openings in the sidewalk may be continued but shall not be enlarged in buildings erected before July first nineteen hundred fifty-seven, provided such openings are equipped with approved type doors located flush with the sidewalk and equipped with elevators. These hoistway openings with elevators may be relocated provided the total number of sidewalk elevators serving the building is not increased. Relocated elevators may not project more than five feet from the building line into the sidewalk area.

(k) Boiler room exit. An exit in the sidewalk area may be constructed and maintained above a steam boiler room. The door over such exit shall be three feet parallel to the building line and two feet at right angles thereto. The cover shall be adjacent to the building line and shall be hinged on the side nearest the curb allowing for it to be open slightly less than ninety degrees with the horizontal. An iron ladder permanently fixed in position shall be installed.

(l) Sidewalks over vaults.

(1) A standard specification concrete sidewalk of four inch minimum thickness shall be installed over the structural roof slab of the vault and in conjunction with the structural roof slab shall be able to sustain a minimum live load of six hundred pounds per square foot. In no case shall the new sidewalk serve as the structural roof of the vault.

(2) The licensee shall be responsible for repairing and maintaining the sidewalk covering the roof of a vault in a safe condition. The Commissioner may order a licensee to repair defects in vault coverings, including defective sidewalk flags, in accordance with subdivision (b) of §19-151 of the Administrative Code.

(m) Doors and gratings.

(1) All gratings or doors covering openings or roofs of vaults on the sidewalk shall be so constructed as to sustain a minimum live load of six hundred pounds per square foot.

(2) Doors and gratings in sidewalk are not permitted in front of any entrances, including building, store and delivery.

(3) All doors and grating and related hardware shall be flush with the sidewalk.

(4) Door and grating material and design shall be approved by the Department of Buildings.

(n) Defective covers. The Commissioner may order defective vault covers, doors, gratings and adjacent areas which are broken or present a slippery surface to be made safe immediately by the

owner and replaced in accordance with Department standards in accordance with subdivision (b) of §19-151 of the Administrative Code.

(o) Abandoned vaults. The Commissioner may order the vault licensee and/or the owner of the premises to fill in an abandoned vault in accordance with subdivision (b) of §19-151 of the Administrative Code as hereinafter provided. The vault shall be filled in with clean, incombustible material, attaining proper compaction standards. Where such structures adjoin the curb, the enclosing walls shall be cut down to a depth of two feet below the curb and the roof shall be removed. Proper steps shall be taken to allow for the drainage of water through the vault floor.

(p) Historic districts. All work on vaults in historic districts shall be approved by the Landmarks Preservation Commission prior to the commencement of the work.

Section 2-14

MISCELLANEOUS

(a) Public pay telephones.

(1) An application for a permit for public pay telephones and related equipment shall be made to the Department of Information Technology and Telecommunications (DOITT) pursuant to Chapter 4 of Title 23 of the Administrative Code and pursuant to Chapter 6 of Title 67 of the Rules of the City of New York.

(2) A street opening permit for installation of a public pay telephone line or stanchion shall be obtained from the Department, pursuant to §2-02, after obtaining a permit from DOITT. Fees shall be paid pursuant to §2-03 of these rules.

(3) A street opening permit shall be obtained for the removal of a public pay telephone stanchion and the restoration of the sidewalk. Such sidewalk restoration shall be performed in accordance with the Department's specifications.

(b) Banners.

(1) Permit required.

(i) The Commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism and/or enhance the image of the City. The Commissioner may issue permits to business improvement districts (BIDs), local development corporations (LDCs) or other organizations that have received Commercial Revitalization Program funds (CRP fund recipients) from the Department of Business Services within the past year for the display of banners within the BID, LDC or CRP fund recipient's area that are designed to provide information about such BID, LDC or CRP fund recipient's area to the general public.

(ii) No person shall install, place, affix or attach a banner on any property within the jurisdiction of the Department without first obtaining a permit from the Commissioner.

(iii) No person shall install, place, affix or attach a banner on any property within the jurisdiction of the Department which contains a sponsor trade name or logo without the specific prior authorization of the Commissioner.

(2) General conditions.

(i) The number of banners to be installed and the location of each banner shall be approved by the Commissioner prior to installation. All requested locations may not be approved.

(ii) Banners shall be placed within a one block radius of the event unless otherwise authorized by the Commissioner.

(iii) Horizontal banners, including banners hung across a street, are not permitted.

(iv) Vertical banners shall be not more than 3 feet wide and not more than 8 feet in height. All such banners shall have 6 slits to allow air passage. Two banners per pole are allowed only if they collectively do not exceed 24 square feet. For existing banners only, two banners per pole not exceeding 30 square feet collectively may be allowed by the Commissioner in his/her discretion. Each such banner shall have 3 slits to allow air passage. The bottom portion of a banner shall be not less than 18 feet above the roadway.

(v) Banners shall contain no advertisements. The trade name(s) or logo(s) of the sponsor(s) of the event may be placed on the banner but shall occupy no more than 10% of the banner in total. Corporate sponsor's trade name(s) or logo(s) shall be located on the lower portion of the banner.

(vi) All applicants shall submit a final graphic of the banner prior to the issuance of a permit. It shall be a condition of each permit that the banner is in compliance with the final graphic.

(vii) Applications for banner permits shall be submitted no fewer than 45 days prior to the planned installation date.

(viii) Applicants shall be responsible for inspecting banners and poles and replacing and/or removing banners that are torn, defaced or in general disrepair, including rigging.

(3) Installation, maintenance and removal.

(i) Drilling of lamppost or welding of bracket supports is not permitted. All mounting hardware must be of a corrosion resistant material.

(ii) Banners shall not be attached to any traffic signal posts containing an electrical traffic control device. Banners shall not be installed so as to obstruct the visibility of signs or signals which may be attached to other lampposts.

(iii) Banners shall not be placed on lampposts designated as landmarks by the Landmarks Preservation Commission. Banners shall not be placed on ornamental signposts without meeting specific permit stipulations.

(iv) Banners and any installation apparatus shall be removed immediately upon the expiration of the term of the permit, except where a permit extension has been granted by the Commissioner.

(4) Duration and renewal of permits. Banner permits shall remain in effect for a period of 30 days including installation and removal, and may be renewed up to two times at the discretion of the Commissioner.

(5) Duration and renewal of permits granted to BIDs, LDCs or CRP fund recipients. Permits granted to BIDs, LDCs or CRP fund recipients may remain effective for up to 90 days and may be renewed at the discretion of the Commissioner.

(6) Revocation. Banner permits are revocable at will by the Commissioner.

(c) Bandstands and temporary platforms.

(1) No person shall erect or maintain a temporary platform or bandstand on the street unless the structure has been approved by the Department of Buildings and a permit has been issued by the Commissioner.

(2) Applicants for a permit to erect or maintain a temporary platform or bandstand shall file a commercial general liability insurance policy, as provided in §2-02, with the Commissioner.

(d) Helicopter lifts. A street closing permit for the closing of streets along the route of a helicopter lift shall be required for contractors with licensed operators performing helicopter rigging operations on construction sites. The permit is subject to the following requirements:

(1) a permit for Aviation Operation, External Lift Operation, from the Public Transportation Safety Unit of the Fire Department and

(2) a signed and notarized Indemnification and Hold Harmless Agreement.

(e) Temporary Festoon/Holiday Lighting and/or other Temporary Lighting.

(1) No individuals shall be permitted to hang temporary festoon/holiday lighting and/or other temporary lighting from lampposts or poles containing electrical traffic control devices.

(2) Groups, including but not limited to, Business Improvement Districts, Block Associations and Chambers of Commerce shall be permitted to hang temporary festoon/holiday lighting and/or other temporary lighting from lampposts, provided the following conditions are met:

(i) All temporary festoon/holiday lighting and/or other temporary lighting, their attachments, accessories, installations, and methods of attachment shall be in compliance with the applicable requirements of these rules, the New York City Electrical Code (Chapter 3 of Title 27 of the Administrative Code) and the rules of the New York City Department of Buildings.

(ii) A letter requesting permission to hang temporary festoon/holiday lighting and/or other temporary lighting shall be sent to the Department's Street Lighting Unit each year, 60 days before the holiday or event by the sponsoring group. Such letter shall state the anticipated installation and removal dates of the lighting, the proposed location(s) where the lights shall be installed including the number of block faces of streets to be used, and the number of

lampposts to be affected, including those from which power is to be drawn and those that are to be used only as an attachment for the temporary lighting.
(iii) The Street Lighting Unit shall provide a disposition in writing. If approved, the sponsoring group or its electrical contractor shall submit such disposition from the Street Lighting Unit to the Department of Buildings when applying for a Certificate of Electrical Inspection.
(iv) The sponsoring group shall hire an electrical contractor licensed by the City to furnish and install a Ground Fault Circuit Interrupter (GFCI) weatherproof receptacle and install the lighting fixtures and supporting equipment. The GFCI shall be installed near the top of the shaft of the lamppost from which the power is to be drawn.
(v) The sponsoring group or its electrical contractor shall be responsible for the maintenance and replacement, as necessary, of the weatherproof receptacles.
(vi) The sponsoring group or its electrical contractor shall obtain a Certificate of Electrical Inspection from the Department of Buildings prior to applying for a permit from the Department.
(vii) The sponsoring group shall make arrangements with the appropriate electric utility company to pay for the electricity that will be used to illuminate the temporary festoon/holiday lighting and/or other temporary lighting.
(viii) The sponsoring group shall obtain and maintain in force an insurance policy as provided in §2-02 of these rules and shall indemnify and hold the City harmless from any and all claims for personal injury or property damage arising from the installation, maintenance, operation and eventual removal of the temporary festoon/holiday lighting and/or other temporary lighting.
(ix) A permit to hang temporary festoon/holiday lighting and/or other temporary lighting shall be obtained from the Department of Transportation, prior to commencing work, upon the showing of the letter of consent from the Street Lighting Unit and the Certificate of Electrical Inspection from the Department of Buildings pursuant to subparagraphs (iii) and (vi) of this paragraph.
(x) Temporary festoon/holiday lighting and/or other temporary lighting with necessary feed wires and supports may be permitted over sidewalks for a period not to exceed 90 days, provided they do not interfere with the free use of fire escapes and drop ladders. All such electrical construction shall be removed within the time stated on the permit, excluding the authorized GFCI weatherproof receptacle. The receptacle shall be permitted to remain provided that it is properly maintained. Any receptacle(s) not properly maintained shall be removed, within one (1) to ten (10) days of notice from the Department, as directed by the Department, by the sponsoring group at its sole cost and expense. In the event that the sponsoring group fails to remove the receptacle(s) or in the case of an emergency, the Department may remove such receptacle(s) and charge the cost of removal to the sponsoring group.
(xi) Prior to commencing any work, the electrical contractor shall test each pole for stray voltage. if a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole. The electrical contractor shall wait for clearance from the Department and Con Edison prior to the commencement of work.
(xii) After completing the installation of the temporary festoon/holiday lighting and/or other temporary lighting, the electrical contractor shall retest each pole for stray voltage. If a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole.
(xiii) The electrical service shall not exceed 120 volts and shall not be fused larger than fifteen (15) amperes.

(xiv) The installation of temporary festoon/holiday lighting and/or other temporary lighting shall comply with the minimum height clearances below:

Nature of Crossing	**Conductors Guys, Spans, Messengers**			
	Under 300 Volts	**300 Volts to 750 Volts**	**750 Volts to 15,000 Volts**	**15,000 Volts to 33,000 Volts**
Above track rails of freight railroads.	27 feet	27 feet	28 feet	30 feet
Above track rails of elevated railways.	25 feet	25 feet	25 feet	25 feet
Above track rails of surface railways.	22 feet	22 feet	25 feet	25 feet
Above roadways of streets, etc.	18 feet	18 feet	20 feet	22 feet
Above spaces or ways accessible to pedestrians only, i.e., sidewalks and alleyways.	14 feet* *For guys, 8 feet shall be sufficient for anchor guys not crossing pathways.	18 feet	20 feet	22 feet

(xv) Temporary festoon/holiday lighting and/or other temporary lighting, strings or messengers shall not be supported by or secured to any fire escape or drainpipe. They shall be insulated from their supports by strain insulators.
(xvi) Streamers, messengers or supports shall not be attached to or supported from electric, light, telephone, communications or trolley poles or lines without permission from the owners.
(xvii) Any sponsoring group and/or electrical contractor who fails to comply with the requirements of this subdivision shall be excluded from the permit process for temporary festoon/holiday lighting and/or other temporary lighting for the following year or seasonal cycle, or other period of time as determined by the Department.
(xviii) Requests to make adjustments to the work performed shall be approved by the Department.
(xix) The Department may mandate that changes be made to the work performed.
(xx) The electrical contractor shall test each pole for stray voltage after removing the temporary festoon/holiday lighting and/or other temporary lighting equipment in compliance with the permit limits. If a pole tests positive, the electrical contractor shall contact the Department and Con Edison immediately and shall report such test result and the location of the pole.
(xxi) At the completion of the work, a letter shall be sent to the Department certifying that the work was conducted in accordance with all rules and regulations.

(f) Commercial refuse containers. Commercial refuse containers are containers placed on the public roadways temporarily, the use of which is not related or connected to any use or activity for which a Department of Buildings permit and/or a construction activity permit from the Department,

pursuant to Section 2-05 of these rules, is required to be obtained. Commercial refuse containers shall not be used for the storage of putrescible waste.

(1) No commercial refuse container shall be placed on the street unless the owner of the container has obtained a permit from the Department pursuant to Section 2-02 of these rules. Notwithstanding such requirements, the owner of the container shall not be required to post such permit at the work site.

(2) Commercial refuse containers shall not be stored or placed within:

(i) any "No Stopping," "No Standing", "No Parking Anytime", or "Authorized Parking" areas;

(ii) fifteen feet of hydrants;

(iii) the area created by extending the building line to the curb (the "corner") or the area from ten feet from either side of the corner (the "corner quadrant");

(iv) a crosswalk or pedestrian ramp, nor shall it be stored or placed in any manner so as to obstruct any crosswalk or pedestrian ramp;

(v) five feet of railroad tracks.

The prohibitions set forth in subparagraphs (i) through (v) shall not apply to areas where posted signs prohibit standing except for trucks loading and unloading. In exceptional circumstances, the Commissioner may grant permission to store or place containers in the areas specified in subparagraphs (i) through (v) above. An application for such permission shall be made to OCMC indicating the need for such placement.

(3) Storage of commercial refuse containers shall not in any way interfere with or obstruct access to subway facilities, utility access points, hydrants, fire alarms, traffic signals, street signs, bus stops or bus shelters, water main valves or gas shut-off valves, unless permission is obtained from the appropriate City Department or utility.

(4) The name, address and telephone number of the owner of the container shall be permanently affixed in characters at least three inches high both on the side of the container that faces the sidewalk area and also on the opposite side that faces the street, with such display being in a color contrasting with that of the container and placed approximately midway vertically.

(5) Each container shall be stored parallel to the curb and extend no more than nine feet from the curb into the roadway.

(6) The street shall be protected with proper covering (e.g., planking, skids, plating, or pneumatic tires) to prevent damage before containers are placed on the street. Protection shall be placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be done upon delivery by the owner of the container. All planking and skids for containers shall be a minimum of $1^1/_2$" to a maximum of 3" thick. Overall size of the protective covering shall be a minimum of 12" x 12" and the placement of the protective covering shall not exceed the outer dimensions of the container.

(7) All containers shall be clearly marked on all four sides with high intensity reflective paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet.

(8) Sidewalks, gutters, crosswalks and driveways shall at all times be kept clear and unobstructed and all dirt, debris and rubbish shall be promptly removed therefrom.

(9) The owner of any container shall comply with all applicable provisions of Titles 16 and 16-A of the New York City Administrative Code and Title 17 of the Rules of the City of New York.

(g) Storage boxes. No person shall place on any street a box for the purpose of storing written matter or any other type of material or attach such box to any item of street furniture or to the pavement in any way.

(h) No smoking in pedestrian plazas. Smoking is prohibited in all pedestrian plazas under the jurisdiction of the Department. Such pedestrian plazas will be designated by the Department on its website.

(i) Flagpole sockets. It shall be permissible, by and with a permit of the Commissioner and with permission of the owners of abutting property, for any organization of military, naval and marine war veterans to place in sidewalks flagpole sockets to be used only for the placing therein of stanchions or poles on which to display American flags to be used on patriotic occasions, public celebrations, or in connection with public parades. Such organizations shall place flagpole sockets at least five feet apart and at least eighteen inches, but no more than twenty-four inches, from the face of the curb. The general conditions set forth in Section 7-06 of this title applicable to revocable consents shall apply to such permits, except as provided in this subdivision. When the sidewalk socket does not have a flagpole in it, the socket shall be capped or covered and shall be flush with the sidewalk.

Section 2-15

REMOVAL OF UNAUTHORIZED ENCROACHMENTS

(a) The Commissioner may serve an order upon a property owner to remove or alter any unauthorized projection, encroachment or encumbrance on or in front of his premises within a period to be specified in such order; such order shall be served personally, or by leaving it at the house or place of business of the owner, occupant or person having charge of the house or lot in front of which the projection, encroachment or encumbrance may be, or by posting such order thereon.

(b) Where a property owner fails to alter or remove the encroachment, encumbrance or projection within the time specified in the order, the Commissioner may remove or alter or cause such encroachment, encumbrance or projection to be removed or altered at the expense of the owner or constructor thereof, who shall be liable to the City for all expenses that it may incur by such removal or alteration, together with the penalties prescribed by §19-150 of the Administrative Code, to be recovered with costs of suit.

(1) In addition to any other remedies or penalties, whenever such removal, alteration, repair and restoration is undertaken by the Commissioner he or she may certify separately the cost and expense of such removal, alteration, repair and restoration to the Commissioner of Finance, who shall charge the amount of such costs and expenses against the property upon and with respect to which the work was performed. Each such charge shall be a lien upon the property or premises in respect to which the same shall have been made, which lien shall have priority over all other liens and encumbrances except taxes and assessments for other public or local improvements, sewer rents, water rents and interest or penalty thereon levied or charged pursuant to law.

(2) As an alternative to the remedies prescribed above, the Commissioner may in his or her discretion institute through the Corporation Counsel any appropriate action or proceeding at law against such owner for the recovery of the costs and expenses of such removal, alteration, repair and restoration undertaken by the Commissioner, as provided in §19-133 of the Administrative Code.

(c) In addition, failure to comply with an order issued by the Commissioner may result in criminal or civil penalties in accordance with §19-149 or §19-150 of the Administrative Code.

Section 2-16

STREET CLOSINGS LASTING MORE THAN 180 DAYS

(a) Prior to the issuance of a permit that will result in a publicly mapped street being fully closed for more than 180 consecutive calendar days an applicant shall submit a Community Reassessment, Impact and Amelioration (CRIA) statement to the Department for its approval. Without such approval by the Department, the Department may refuse to issue a permit. This provision shall apply to single permits or to a combination of permits that would result in such full street closure for a total of more than 180 consecutive calendar days.

(b) Any individual or entity that effectuates the closure of a street for more than 180 consecutive calendar days for which a permit from the Department is not required, with the exception of such street closures initiated by a local law enforcement agency, shall comply with all provisions of this section.

(c) The CRIA statement shall contain the following:

(1) the objectives of the closure and the reasons why the continued street closure is necessary to attain those objectives;

(2) identification of the least expensive alternative means of attaining those objectives and the costs of such alternatives, or a statement and explanation as to the unavailability of such alternatives;

(3) how the continued street closure will impact access and traffic flow to and within the surrounding community, including but not limited to, access to emergency vehicles, residences, businesses, facilities, paratransit transportation and school bus services; and

(4) any recommendations to mitigate adverse impact and increase access to and within the area.

(d) The requirement for the issuance of a CRIA statement as described in this subdivision may be satisfied by delivery of an environmental assessment statement or environmental impact statement conducted pursuant to CEQR rules, that has been approved by the Department.

(e) The individual or entity requesting a street closure as provided for in this section shall attend and assist the Department at the public forum held pursuant to the requirements of §19-107(b) of the Administrative Code of the City of New York and any other public forum resulting from the street closure upon request from the Department, and shall assist the Department in producing responses to any and all issues raised pursuant to such public forum(s).

(f) The Department may require the individual or entity requesting such street closure to issue the Department approved CRIA, environmental assessment statement or environmental impact statement to the community board and the council member in whose district the street is located.

Section 2-17

ADJUDICATIONS

New York City Department of Transportation adjudications regarding the fitness and discipline of agency employees will be conducted by the Office of Administration Trials and Hearings. After conducting an adjudication and analyzing all testimony and other evidence, the hearing officer shall make written proposed findings of fact and recommend decisions, which shall be reviewed and finally determined by the Commissioner.

Section 2-18

NEWSSTANDS

Incorporation by Reference of Rules Promulgated by the New York City Department of Consumer Affairs. The rules related to newsstands promulgated by the Department of Consumer Affairs in Subchapter G of Chapter 2 of Title 6 of the Rules of the City of New York are hereby incorporated by reference into this Chapter as rules of the Department of Transportation.

Section 2-19

BICYCLE ACCESS IN OFFICE BUILDINGS

(a) Definitions. For purposes of this section, the following terms shall have the following meanings:

(1) Accessible Level. "Accessible level" shall mean one that facilitates the approach, entry or use for bicyclists on whose behalf the tenant or subtenant has requested bicycle access.

(2) Available. "Available" shall mean accessible for use by bicyclists on whose behalf the tenant or subtenant has requested bicycle access.

(3) Control. "Control" shall mean to exercise legal authority over through deed, permit, lease, contract or otherwise.

(4) Covered. "Covered" shall mean enveloped by a roof or functional equivalent. For purposes of this definition, "roof" shall mean the outer cover and its supporting structures on the top of a building.

(5) Indoor. "Indoor" shall mean situated in the interior of or within a building that is within three blocks or seven hundred fifty feet, whichever is less, of the building for which a bicycle access plan is requested.

(6) Off-street. "Off-street" shall mean located in an area other than the roadway or the public sidewalk within three blocks or seven hundred fifty feet, whichever is less, of the building for which a bicycle access plan is requested.

(7) Secure. "Secure" shall mean that (i) the entry to or exit from the alternate bicycle parking is locked or supervised by building personnel and permitted only to (A) the owner, lessee, manager or such other person who controls such building and their agents, and (B) bicycle owners on whose behalf the tenant or subtenant has requested bicycle access, and (ii) a bicycle owner can lock a bicycle to a fixed object (including, but not limited to, a bicycle rack) such that the bicycle is protected from damage or theft.

(b) Bicycle Access Plan.

(1) Request for Bicycle Access.

(i) The tenant or subtenant of an office building, as defined in Administrative Code §28-504.1, may submit a request for bicycle access, in writing on a form provided by the Department, to the owner, lessee, manager or other person who controls such office building. Such request shall be submitted by certified mail, return receipt requested.

(ii) The tenant or subtenant shall file a copy of any request for bicycle access with the Department. Such request may be filed electronically by submitting it through the Department's website (www.nyc.gov/bikesinbuildings) or by submitting such request by regular mail to the Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041, Attention: Bikes in Buildings Program.

(iii) The owner, lessee, manager, or other person who controls such office building shall complete and implement a bicycle access plan for such building within thirty (30) days after receipt of a written request from such tenant or subtenant of such building.

(iv) The owner, lessee, manager or other person in control of the building may request an exception to the requirements of Administrative Code §28-504.3 in accordance with subdivision (d) of this section.

(2) Contents of Bicycle Access Plan.

(i) Requirements. The bicycle access plan prepared by the owner, lessee, manager or other person who controls a building shall, for bicyclists on whose behalf the tenant or subtenant has requested bicycle access, include but not be limited to:

(A) the location of entrances within or to the building;

(B) the route to elevator(s) that accommodate bicycle access;

(C) the regular hours of operation of the elevator(s);

(D) such other information as is deemed to be appropriate by and for the particular building; and

(ii) For purposes of these rules it shall be presumed that if a freight elevator in the building is available for carrying freight, it is available for carrying a bicycle for purposes of providing bicycle access.

(iii) Bicycle access shall be available, at minimum, during the regular operating hours of the freight elevator in the event that such elevator is used for bicycle access.

(iv) Upon receiving and reviewing its copy of a request for a bicycle access plan that has been filed in accordance with subparagraph (ii) of paragraph one of subdivision (b) of this section, the Department may require that additional information be included in the plan because it has determined that such information is appropriate for the particular building in question.

(c) Amendments to plan. The owner, lessee, manager, or other person who controls a building shall either create a new plan or amend a plan as needed (1) to address changed circumstances which warrant a revision in a particular tenant's or subtenant's plan, or in a plan that is applicable to all tenants; or (2) to accommodate new requests from other tenants or subtenants requesting bicycle access. Should such owner, lessee, manager, or other such person who controls a building elect to amend a bicycle access plan pursuant to this section, such plan shall be amended within thirty (30) days of receiving a request for bicycle access. Any amendments that may materially affect the bicycle access plan shall be completed and implemented within thirty (30) days of the changed circumstances or to accommodate new requests from other tenants or subtenants requesting bicycle access, and do not preclude the requirement to comply with the provisions of this section. All amendments shall be filed with the Department pursuant to the provisions of subdivision (h) of this section.

(d) Exceptions.

(1) Bicycle access need not be provided if an owner, lessee, manager or other person who controls a building applies to the Commissioner for, and is granted, a letter of exception as set forth below. Such request shall be sent by certified mail, return receipt requested within fifteen (15) days of receipt of a request for a bicycle access plan to the Department of Transportation, 55 Water Street, 6th Floor, New York, NY 10041, Attention: Bikes in Buildings Program, and certifies the following:

(i) the building's freight elevator is not available because unique circumstances exist involving substantial safety risks directly related to the use of such elevator pursuant to Administrative Code §28.504.4(1) ("Exception 1"); or

(ii) there is sufficient secure alternate covered off-street no-cost bicycle parking within three blocks or seven hundred fifty (750) feet, whichever is less; or there is sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or seven hundred fifty (750) feet, whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access pursuant to Administrative Code § 28.504.4(2) ("Exception 2"). The number of bicycle parking spaces available shall be at least equal to the number of bicycles contained in the bicycle access tenant requests.

(2) A request for Exception 1 shall include the basis for requesting such an exception and shall also include but not be limited to the following supporting documentation:

(i) A certification from a professional engineer who is licensed and registered in New York State. Such certification shall include but not be limited to the following facts:

(A) The date the building was constructed;

(B) The date the elevator was installed;

(C) The method of elevator door closing;

(D) Whether the elevator is self-service or there is an operator;

(E) Whether there is a car top;
(F) Whether there is a car gate or door; and
(G) The professional engineer's license number.

(ii) Upon receiving and reviewing a request based on Exception 1, the Department may require that additional information be submitted in support of the request because it has determined that such information is appropriate for the particular building in question.

(3) A request for Exception 2 shall include the basis for requesting such an exception and shall also include but not be limited to the following supporting documentation:

(i) Proof that secure alternate covered off-street no-cost bicycle parking or secure alternate indoor no-cost bicycle parking is available to or under the control of the owner, lessee, manager or other person who controls the building. Such proof may include but not be limited to a copy of a deed, lease, title, permit or contract evidencing such control.

(ii) The route to the secure alternate covered off-street no-cost bicycle parking that is within three blocks or seven hundred fifty (750) feet, whichever is less; or the route to the secure alternate indoor no-cost bicycle parking available on the premises or is within three blocks or seven hundred fifty (750) feet, whichever is less, of such building.

(iii) Upon receiving and reviewing a request based on Exception 2, the Department may require that additional information be submitted in support of the request because it has determined that such information is appropriate for the particular building in question.

(4) Pending the Department's inspection, review and determination of a request for a letter of exception, an owner, lessee, manager or other person who controls a building shall be exempt from complying with the requirements of this section.

(e) Inspection and Determination.

(1) If Exception 1 is sought: After conducting an inspection of the building and freight elevator, the Commissioner of the Department of Buildings shall thereafter issue a final determination to the Department as to whether to grant Exception 1. Such final determination shall be included in the Department's letter of exception or denial sent to the owner, lessee, manager, or other person who controls the building.

(2) If Exception 2 is sought: After conducting an inspection in consultation with the Department of Buildings of the secure alternate covered off-street no-cost bicycle parking or the secure alternate indoor no-cost bicycle parking, the Commissioner shall thereafter issue a final determination as to whether to grant Exception 2.

(3) A letter of exception or denial shall be sent by the Department by certified mail, return receipt requested, to the owner, lessee, manager, or other person who controls the building.

(4) If a letter of denial is sent, a bicycle access plan shall be posted within twenty (20) days of receipt of such letter.

(f) Posting.

(1) Every owner, lessee, manager or other person who controls a building for which a bicycle access plan has been adopted shall post in such building either a current bicycle access plan or a notice in the building lobby indicating that the plan is available in the building manager's office upon request. The posting of such plan or notice shall be made within five (5) days of implementation of such plan.

(2) Every owner, lessee, manager or other person who controls a building for which an exception to the bicycle access plan requirement has been granted shall post in such a building the letter of exception provided by the Commissioner pursuant to subdivision (d) of this section, or a notice in the building lobby indicating that such letter of exception is available in the building manager's office upon request. The posting of such letter or notice shall be made within five (5) days of receipt of such letter of exception.

(3) Bicycle access plans, letters of exception and notices of availability of either such documents shall be made available to the Department, the Department of Buildings or authorized representatives of any other City agency upon request.

(g) Filing of bicycle access plan and subsequent amendments with the Department. A bicycle access plan shall be filed with the Department by electronic submission through the Department's website (www.nyc.gov/bikesinbuildings) or by regular mail to the Department of Transportation 55 Water Street, 6th Floor, New York, NY 10041, Attention: Bikes in Buildings Program, within ten (10) days of implementation of such plan. Should the owner, lessee, manager or other person who controls a building amend their bicycle access plan pursuant to subdivision (c) of this section, such amendment shall be filed with the Department as outlined above within ten (10) business days of completion and implementation of such amendment.

Section 2-20

STREET LIGHT AND POWER

(a) General requirements. Any person installing, repairing, removing, using or working within three (3) feet of any type of City electrical equipment or non-City electrical equipment attached to City Property, including communication circuits, shall comply with the following requirements:

(1) Except as otherwise provided by law or rule, no person shall attach any item to any City electrical equipment, including but not limited to, street light poles and poles containing electrical traffic control devices, such as traffic signal poles, and pedestrian and bicycle signal poles, without permission from the Department.

(2) Only public utilities, public benefit corporations, City agencies or licensed and insured contractors shall be permitted to install, repair, use or work within three (3) feet of any type of City electrical equipment or non-City electrical equipment attached to City Property, including communication circuits.

(3) Except as otherwise provided by law or rule, all electrical installations, connections, supports, devices, and equipment, including but not limited to, communication circuits, shall be designed and installed in compliance with the general requirements of the National Electrical Code (NEC) or, in the case of Public Utilities, the National Electrical Safety Code (NESC).

(4) All public infrastructure work, including work in streets, bridges, parks and public places, shall be designed and installed in compliance with these rules; standard electrical engineering practice; the National Electric Code (NEC) or, in the case of Public Utilities, the National Electrical Safety Code (NESC); the Department's Standard Details of Construction; the Department's Standard Specifications; and the Department's Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and other Infrastructure Components; the Department's Bureau of Traffic, Division of Street Lighting Standard Drawings; and all other applicable laws and rules.

(5) All required applications and/or forms, plans and certifications, relating to work that is subject to these rules shall be submitted to the Department's Street Lighting and/or Traffic Signals Units for approval prior to the issuance by the Department of a permit. No work shall commence prior to the issuance of such permit. Approval of adjustments to the work performed shall be obtained from the Department prior to commencing any such adjustments. Changes in the work may be mandated by the Department for the purpose of conforming the work to the requirements of these rules.

(6) The Department's Electrical Inspections Unit shall be notified by persons performing all proposed non-emergency work at least seventy-two (72) hours prior to commencement. Application to the Department for a permit or other authorization at least seventy-two (72) hours prior to commencement of non-emergency work shall be deemed notice.

(7) No person shall break, deface, remove, or interfere with any lamp, gas, communication or electrical apparatus, or any part thereof, which shall be hung or fixed in any street or public place, or extinguish the light therein except as authorized by the Department. All instances of damaged gas, communication or electrical equipment shall be reported to the 311 Government Services & Information for New York City telephone number and/or the contact telephone number on any applicable permits. The New York City Police Department shall also be notified, as appropriate.

(8) Any person installing a connection to any type of City electrical equipment or non-city electrical equipment attached to City property shall make arrangements with the appropriate electric utility company to pay for the electricity that will be used to operate said equipment.

(9) An inspector from the Department may visit a work site upon receiving a complaint, or as a matter of routine inspection, to monitor compliance with these rules. In the event that the

inspector deems a condition at the work site to be imminently dangerous, the party determined to be responsible for creating such condition shall immediately remove or correct the condition upon notification by the Department. For conditions not deemed imminently dangerous, the party determined to be responsible for creating such condition shall be provided with an Electrical Remove or Repair (EROR) report identifying the condition needing correction. The EROR report would require a cure period of forty-eight (48) hours to correct the condition. If the condition is not corrected within forty-eight (48) hours, then a Notice of Violation shall be issued against the party determined to be responsible for creating such condition. Said violations may be issued on-site or by mail. Notwithstanding the preceding sentences in this paragraph there shall be no cure period afforded with respect to compliance with emergency conditions, such as, but not necessarily limited to, those listed in Sections 2-20 (a)(4), (a)(7), (b)(5), (b)(9), (e)(11), (m)(1), (n)(5), and (t)(5), where an imminent dangerous condition results due to improper installation, maintenance and/or removal.

(b) Shunts: Overhead, Street and Wrap-around Shunts.

(1) This subdivision shall apply to overhead, street and wrap-around shunts attached to City electrical equipment or running over/along a roadway or sidewalk.

(2) In order for the Department to maintain accurate identification and location records for overhead, street and wrap-around shunts, no person shall install any shunt without first obtaining a permit from the Department unless otherwise provided herein.

(3) No person shall install an overhead shunt without first obtaining a regular permit unless an emergency condition exists and an emergency permit has been obtained. In the event that the emergency condition is not repaired by the conclusion of the forty-eight (48) hour emergency permit period, a regular permit shall be obtained.

(4) Shunts shall not be permanent installations. A permanent repair shall be made by the conclusion of the ninety (90) day regular permit period.

(5) No shunt shall bypass any electrical safety device.

(6) In the event that a shunt must be used and an overhead or street shunt cannot be installed, a wrap-around shunt may be used only if approval is obtained from the Department's Streetlight Unit prior to obtaining a permit. Any request for such approval must include, at a minimum, the location of the shunt and the reason(s) why only a wrap-around shunt can be used.

(7) The roadway surrounding a street shunt shall be properly barricaded as a warning to vehicular traffic in the event that it is not feasible to install shunt boards (ramps) capable of withstanding constant, heavy vehicular traffic. All barricades must bear a sign displaying the contractor's name and telephone number and the start and end dates of all work. The sidewalk areas over which the shunt runs and all wires shall be protected and ramped with a reflective covering.

(8) Overhead shunts shall be installed into the top of a street light/lamppost or traffic signal pole by removing the pole cap, installing an approved mounting bracket, running the electric cord or cable into and through the interior of the pole and making the electrical connection, which shall be independently fused for the intended use of the shunt, in the base of the pole from the inside. The pole cap shall then be placed in the base of the pole for reinstallation when the shunt is removed.

(9) Overhead shunts and their supports shall be maintained at the following minimum clearances. (For additional minimum clearances, see Table B of this section.)

- **(i)** 27 feet above railroad tracks
- **(ii)** 25 feet above elevated railroads
- **(iii)** 18 feet above roadways
- **(iv)** 14 feet above sidewalks and alleyways

(10) All shunt apparatus shall be removed when the shunt is no longer in use.

(11) All existing overhead and street shunts shall be removed within ninety (90) days of the effective date of this section. If not so removed, permits shall be obtained for each shunt within that ninety (90) day time period and the shunts shall be replaced with permanent connections as provided in paragraph 4 above, unless waived by the Department in writing.

(c) Electrical Traffic Control Devices.

(1) City electrical equipment containing electrical traffic control devices shall not be used as a source of power for anything other than the electrical traffic control devices, unless explicitly approved by the Department.

(2) Attachments to City electrical equipment containing electrical traffic control devices shall be approved by the Department prior to such attachment.

(3) In the event that the Department installs an overhead shunt to restore power to City electrical equipment containing an electrical traffic control device, an electrical utility shall, upon notice from the Department, which may include, but not be limited to, a tracking number from the Electrical Inspections Unit, obtain an overhead shunt permit and maintain such shunt pursuant to such permit until the utility replaces the shunt with a permanent electrical connection pursuant to these rules.

(d) Cable Guards and Standpipes/Overhead Wiring.

(1) This subdivision shall apply to cable guards and standpipes installed or intended to be installed on City electrical equipment, such as poles.

(2) No person shall install a cable guard or standpipe on any City electrical equipment that already has a cable guard or standpipe without first obtaining approval from the Department's Streetlight Unit.

(3) Metal cable guards and standpipes shall be galvanized and in good condition.

(4) Cable guards and standpipes shall be installed parallel to the curb unless otherwise directed by the Department.

(e) Conductors-Aerial/Overhead.

(1) This subdivision shall apply to conductors installed or intended to be installed on City property.

(2) No person shall install any aerial/overhead conductor without first obtaining a permit from the Department's Streetlight Unit, unless an emergency condition exists and Department authorization to install the aerial/overhead conductor has been obtained. In the event that the emergency condition is not repaired within forty-eight (48) hours of receiving Department authorization, a permit shall be obtained.

(3) On City electrical equipment, electric light and power wires shall not be placed on the same cross arm with communication or similar wires without prior authorization from the Department. Where electric light and power wires are placed on the same City-owned pole with communication or similar wires, the horizontal distance between the two inside pins of each cross arm shall not be less than thirty (30) inches, if access to points above such cross arms may be necessary, and the former shall be placed above the latter and separated therefrom by a vertical distance as provided in Table C of this section.

(4) Conductors shall be securely attached to suitable insulators on pins on cross arms, or on NEC or NESC approved brackets, with NEC or NESC approved clamps or wire of the same size and type as conductors. Other methods of attachment shall not be used unless prior approval is given by the Department for such use.

(5) For temporary work, including but not limited to building construction, conductors may be suspended from suitable insulators or other attachments, provided such attachments are approved by the Department prior to installation and the conductors are securely attached to substantial supports.

(6) Conductors operating at potentials in excess of 300 volts to ground shall be capable of being disconnected so that, in case of a fire or other emergency condition, current may be cut

off from the particular circuits or section so as not to interfere with the work of fire fighters or other emergency responders. Such disconnections shall be made only by authorized employees of the company operating the conductors.
(7) Conductors shall be adequately protected against accidental contact with other conductors, trees, buildings, poles, or other possible interference.
(8) The following minimum clearances are required between wires or cables and buildings:

Table A

Voltage Classification	**Up to 8,700V**	**8,700 V to 15,0000V**	**15,000V to 33,000V**
Horizontal Clearance	3 feet	8 feet	10 feet
Vertical Clearance	8 feet	8 feet	10 feet

(9) Conductors for light or power shall not be connected together without the approval of the Department. This provision shall not apply to transformer leads or to networked supply systems such as trolley conductors and low tension feeders or mains to which services are connected.
(10) Conductors shall be spliced or joined so as to be both mechanically and electrically secure. The splices shall be covered with insulation equal to that on the conductors.
(11) Conductors used as supply lines carrying 2300 volts or less shall be approved for outdoor open wiring by the Department prior to installation.
(12) Conductors shall, where exposed to weather, be supported on insulators approved in advance by the Department.
(13) Conductors shall enter a switch or cutout box or cabinet through approved bushings at the bottom of such box or cabinet wherever practical. Where conductors enter boxes or cabinets at the side, they shall be provided with drip-loops in addition to the approved bushings.
(14) The following minimum clearances are required, except where otherwise specifically permitted by the Department:

Table B

Nature of Crossing	**Conductors Guys, Spans, Messengers**			
	Under 300 Volts	**300 Volts to 750 Volts**	**750 Volts to 15,000 Volts**	**15,000 Volts to 33,000 Volts**
Above track rails of freight railroads	27 feet	27 feet	28 feet	30 feet
Above track rails of elevated railways	25 feet	25 feet	25 feet	25 feet
Above track rails of surface railways	22 feet	22 feet	25 feet	25 feet
Above streets	18 feet	18 feet	20 feet	22 feet
Above sidewalks and alleyways	14 feet* *For guys, 8 feet shall be sufficient for anchor guys not crossing pathways.	18 feet	20 feet	22 feet

(15) Minimum Wire Crossing Clearances:
The following minimum clearances or separations between conductors crossing each other and on different supporting structures are required except where otherwise specifically permitted by the Department.

Table C

Conductors of lines operating at the voltages indicated at the heads of columns shall, unless otherwise permitted by the Department, be installed above those in the left hand column of the table.

Voltage Classification	**Communication**	**0 to 300 V**	**300V to 750 V**	**750V to 8,700 V**	**8,700V to 33,000V**	**Guys****
Communication	2 feet	4 feet*	4 feet	4 feet	6 feet	2 feet
0 to 300 V		2 feet	2 feet	2 feet	4 feet	2 feet
300 to 750 V			2 feet	2 feet	4 feet	2 feet
750 to 7,500 V				2 feet	4 feet	4 feet
Guys**	2 feet	2 feet	2 feet	4 feet	4 feet	2 feet
Buildings or other structures	8 feet	8 feet	8 feet	10 feet	10 feet	

*This may be reduced to 2 feet providing the crossing is not within 6 feet of any pole concerned in the crossing.
** Also span wires, messengers, lightning protection wires and service loops.

(f) Cross Arms. Cross arms on City electrical equipment shall not be longer than necessary for the number of conductors that may reasonably be anticipated to support utility cables.

(g) Electrical Construction.

(1) No person shall begin construction of lines to furnish communications or electric service in the City of New York unless the Department issues a permit for such construction in accordance with this subdivision.

(2) As a part of the application by persons other than Public Utilities for permits pursuant to this subdivision, such persons shall file their construction specifications, i.e. strength, foundations, settings and electrical connections, for communications or electric service installations with the Department. No permit shall be issued to such persons by the Department until such specifications are approved by the Department. All work shall be performed in accordance with the specifications approved by the Department.

(3) As a part of the application by Public Utilities for an annual permit to maintain their systems, Public Utilities shall file their construction specifications, i.e. strength, foundations, settings and electrical connections, for communications or electric service installations demonstrating full compliance with the NESC with the Department. No annual permit shall be issued to a Public Utility by the Department until such specifications are filed with the Department. All work shall be performed in accordance with the specifications filed with the Department. Notwithstanding the receipt of an annual permit to maintain their systems, Public Utilities are required to obtain

all necessary permits to perform their work, including street opening, construction activity and sidewalk construction permits.

(h) [Intentionally left blank].

(i) Overhead Distribution Structures.

(1) No person shall begin construction of new overhead electrical distribution structures in or on any public street unless the Department issues a permit for such construction in accordance with this subdivision.

(2) As a part of the application by persons other than Public Utilities for permits pursuant to this subdivision, such persons shall file their plans for new overhead electrical distribution structures with the Department. No permit shall be issued to such persons by the Department until such plans are approved by the Department. All work shall be constructed in accordance with plans approved by the Department.

(3) As a part of the application by Public Utilities for an annual permit to maintain their systems, Public Utilities shall file their plans for new overhead electrical distribution structures demonstrating full compliance with the NESC with the Department. No annual permit shall be issued to a Public Utility by the Department until such plans are filed with the Department. All work shall be constructed in accordance with the plans filed with the Department. Notwithstanding the receipt of an annual permit to maintain their systems, Public Utilities are required to obtain all necessary permits to perform their work, including street opening, construction activity and sidewalk construction permits.

(j) Equipment and Equipment Repairs.

(1) All costs for the repair or replacement of damaged or missing City electrical equipment, including street light/lamppost wiring and foundation, shall be at the expense of the person whose work and/or equipment caused the condition.

(2) Any equipment and/or device installed, relocated, removed from or attached to any type of City property or City electrical equipment, including communication circuits, street light/lamppost wiring and foundation, that creates an unsafe condition may be removed, replaced or repaired by the Department and such removal, replacement or repair shall be at the expense of such person whose work and/or equipment created the unsafe condition.

(3) In the event of damage to City electrical equipment, including but not limited to electrical conduit, street lights, ITS and traffic signal poles, pull boxes, panel boxes, junction boxes, cameras, or any other City-owned electrical systems equipment on or adjacent to all roadway and/or highway surfaces, including grade level and elevated roadways, ramps, overpasses, and paved and non-paved shoulder areas, notice shall be made to the Electrical Inspections Unit by the person that discovered such damage, at the time of discovery, and regardless of fault. An inspector shall be dispatched to evaluate and document the condition and coordinate the necessary repairs by the party determined to be responsible for creating such condition. The person who caused the damage shall conduct the necessary repairs without delay following notification to the Department of said repair and the obtaining of any necessary permits. Unless Electrical Inspections Unit inspector is present at the jobsite when the repairs are being performed, such person shall provide pictures and/or other documentation to confirm that the appropriate repair work has been completed.

(4) When the owner of any non-city electrical equipment located on or attached to City property is notified by the Department that a repair or alteration of said equipment is needed for public safety purposes, the equipment shall be made safe within the time frame prescribed by the Department but in no event more than twenty-four (24) hours of notification. Complete repair or alteration shall be made within seven (7) days following notification as directed by the Department.

(5) If the repairs of non-city electrical equipment located on a City street or attached to City property are not satisfactorily made in the time allotted and the Department considers the

equipment to be a danger to public safety, the Department may in the interest of public safety remove the equipment, except where prohibited by law, and charge the cost of removal to the owner of the equipment.

(k) Conduits.

(1) Where conduits are attached to City electrical equipment, they shall be securely fastened in place and grounded in an approved manner. If straps are used, each strap shall be secured with two (2) lag screws or other method approved by the Department.

(2) Flexible conduit, where permitted to be attached to City electrical equipment, shall enter the switch or cutout box or cabinet at the bottom wherever practical, using an NEC and/or NESC approved fitting. Where such conduit enters the box or cabinet at the side, it shall be provided with a drip-loop.

(l) Grounding.

(1) All exposed non-current carrying metal parts of electrical equipment for light, communications or power located on or attached to City property, including but not limited to, transformer cases, switch or fuse cabinets, metallic conduit, raceways and cable armor, shall be permanently and effectively grounded.

(2) Transformers with ungrounded secondaries and metal shields for conductors running down City electrical equipment, such as a City-owned pole, must be properly protected.

(3) The grounding resistance should not exceed 25 ohms.

(4) City electrical equipment shall not be used as a ground.

(m) Work site safety.

(1) The work site safety rules in subdivision (h) of §2-02 of these rules and any other safety measures directed by the Department shall apply to work performed pursuant to this section.

(2) No movable equipment shall be left unattended at the work site unless properly secured.

(n) Guys and Anchors.

(1) Where the mechanical loads to be imposed on City electrical equipment, such as City-owned poles or other City-owned supporting structures, are greater than can be safely supported by the pole or structure itself, additional strength shall be provided by the use of guys, braces or other approved construction. Guys shall be of stranded cable or other approved mechanical construction; suitable shims and thimbles shall be used where required. Guy wires shall be adequately protected by strain insulators, and shall keep a minimum wire crossing clearance as indicated in Table C of this section.

(2) Anchor guys may be attached to City property only with the approval of the Department.

(3) Anchor guys attached to City property will not be permitted:

(i) Within twenty-five (25) feet of any intersecting street;

(ii) Where sufficient strength will be afforded by head guys or pole guys and cribbed poles;

(iii) Where the anchor guys would interfere with the entrance to a building or garage.

(4) Anchor guys attached to City property shall be protected by an approved shield, extending at least eight feet (8) out of the ground, and not less than six feet (6) above the sidewalk.

(5) Where guy wires are liable to come into contact with electrical conductors, approved insulators shall be installed.

(o) [Intentionally left blank]

(p) Insulators. On communication lines attached to City property, other methods of attachment approved by the Department may be used in lieu of insulators.

(q) Pole Installations.

(1) This subdivision shall apply to all street light, traffic control device or wood poles installed or intended to be installed on City property.

(2) Poles shall not be installed or replaced without obtaining a permit from the Department.

(3) All plans, designs and/or drawings for pole installations including the specifications for height, setting, foundation and depth in ground shall be provided to the Department for approval prior to obtaining a permit.
(4) Poles installed and/or relocated after the effective date of this section shall be set at the proper grade and at the approved distance from the curb. The following approved distances from the curb are required, unless otherwise approved by the Department.

Pole Type	**Distance from Curb Edge to the Center of the pole**
Traffic Signal	32 inches
Street Light	36 inches
Wood Pole	36 inches

(5) All poles now standing or hereafter erected shall be branded, stamped or marked in a manner approved by the Department with the initials of the company owning them or with some other distinguishing mark of ownership, and a clearly legible serial number at a point not less than five (5) feet nor more than seven (7) feet above the street surface. Where a pole is occupied by wires of more than one company, each group of conductors and/or cross arms shall, where necessary, be distinguished by a characteristic mark, paint or fastening approved by the Department. All poles now standing shall be branded, stamped or marked in the manner as described herein within twelve (12) months of the effective date of this section. In lieu of an ownership mark on a pole, Public Utilities shall, upon completion of a web-based pole ownership database readily identifying pole ownership via the pole serial number, provided the Department with access to such database.
(6) Unless authorized by the Department, poles shall not be erected on both sides of any street requiring new installations.
(7) Poles installed and/or relocated after the effective date of this section shall be spaced not less than eighty (80) feet or more than one hundred thirty (130) feet apart, unless authorized by the Department.
(8) Poles installed and/or relocated after the effective date of this section shall be set at least fifteen (15) feet from hydrants, unless otherwise authorized by the Department.
(9) Poles installed and/or relocated after the effective date of this section shall be set at least seven (7) feet from driveways, unless otherwise authorized by the Department.
(10) Metal poles shall be painted as directed by the Department.
(11) Steps, where provided on poles carrying supply wires, shall be substantially parallel with the roadway. The lowest metal step shall be not less than six and one-half (6 1/2) feet from the ground.
(12) Where poles are treated with creosote over one (1) foot above the ground line, they shall be guarded, if necessary, in a manner approved by the Department, to avoid exposure to the public.

(r) Persons Installing, Relocating, Removing/Replacing Street Light Poles and/or Installing/Removing Temporary Pole Taps.

(1) A person requesting to install, relocate, and/or remove/replace street light poles on City property shall provide the Department with the appropriate application, all plans, drawings, and/or designs for said work, including all contractor information, at least sixty (60) days in advance of the expected work. No permit shall be issued to such persons by the Department

until all plans are approved by the Department. No work shall be performed without the obtaining of all necessary permits.

(2) A person requesting to install a temporary pole tap on City electrical equipment shall provide the Department with the appropriate application, all plans, drawings, and/or designs for said work, including all contractor information, at least thirty (30) days in advance of the expected work. No permit shall be issued to such persons by the Department until all plans are approved by the Department unless otherwise provided herein. No work shall be performed without the obtaining of all necessary permits.

(3) Notwithstanding paragraph 2 above, Department approval prior to obtaining a permit is not required for temporary pole taps used to facilitate work by Public Utilities in the immediate vicinity of the work site provided that the pole tap is removed whenever Public Utility personnel are not physically present at the site.

(4) All costs for the installation of temporary pole taps and/or the installation, relocation, removal and/or replacement of a streetlight pole shall be borne by the person requesting the work.

(5) A person requesting to erect a street lighting pole on City property in front of his or her property shall comply with the Revocable Consents Rules, Chapter 7 of this Title 34.

(6) Unless otherwise authorized by the Department, temporary lighting shall be provided at or near the street light pole location when a pole is being relocated or is temporarily removed until the new or relocated street light is energized. A minimum 150 Watt HPS luminaire shall be mounted at least eighteen (18) feet above the street. (Please refer to Table B of this section.)

(7) A relocated or removed street light pole shall be appropriately replaced by the end of the permit period.

(8) If a relocated or removed street light pole is not satisfactorily replaced by the end of the permit period, the Department may replace said pole and charge the cost of replacement to the person that requested its relocation or removal.

(9) The wiring to the street light luminaire shall not be disconnected at any time when a temporary pole tap is installed.

(10) A temporary pole tap on City electrical equipment shall be removed by the end of the approved time frame.

(s) Service Conductors, Supply or Communication.

(1) Service conductors shall not be installed on City property unless the installation has received all necessary permits required by the Department and other applicable City agencies.

(2) Except where advance written permission is obtained from the Department, unsupported loops on service conductors installed on City Property shall not exceed one hundred and fifty (150) feet.

(3) Where service for light, communications, or power is to be provided from any metal column or structure located on City property, the conductors shall be protected by metal conduit to a point at least eight (8) feet above the sidewalk and terminate in an approved box or fitting on such column or structure.

(t) Service Connections for Exterior Electrical Installation.

(1) This subdivision shall apply to service connections installed or intended to be installed on City property.

(2) Service shall not be furnished to any exterior electrical installation unless said installation has received all necessary permits from the Department.

(3) A connection shall only be made at the point designated in the permit.

(4) A connection shall not be made to light or power service or wiring in any building without a permit.

(5) Where service for light or power is to be provided from a building or from the secondary side of transformer housed on street:

(i) Service equipment is required. Service equipment shall be not less than 125% of the computed load and in no case less than one hundred (100) amperes, except by special permission of the Department.

(ii) Feeders shall be in good condition, properly insulated, continuous without splices and shall be enclosed in metal conduit from the service connection to an approved service head which shall maintain a minimum clearance as listed in Table B of this section. Conductors for light or power shall not be so interconnected as to form a shunt around any service switch or fuse controlling the supply of current to any electrical installation.

(u) [Intentionally left blank]

(v) Supports.

(1) This subdivision shall apply to supports installed or intended to be installed on City property.

(2) Wood supports shall not be less than four inches by four inches (4"X4"), and shall be securely fastened in place.

(3) Pipe used for vertical supports shall be not less than one and one-half (11/2) inches in diameter and shall be maintained in good condition.

(4) Vertical supports shall be securely erected, and where rigid attachment is not available, shall be well ballasted and securely guyed in at least three (3) directions.

(5) City electrical equipment, such as City-owned poles and supports, shall be securely guyed with head guys not less than #6 AWG and side guys not less than #12 AWG galvanized stranded wires.

(6) Conductors attached to City property shall be supported at least every fifteen (15) feet. Spans in excess of fifteen (15) feet shall be supported on suitable messenger wires every five **(5)** feet.

(7) Conductors attached to City property shall be supported on approved insulators and secured thereto by insulated wire of same size as conductors.

(8) Messenger wires and conductors attached to City property shall be dead-ended on strain insulators.

(9) Conductors attached to City property shall have approved rubber, weatherproof or slow-burning weatherproof insulating covering, shall not be smaller than #14 AWG, and shall be suspended not less than fourteen (14) feet above the sidewalk, and not less than three (3) feet from any building, when parallel thereto.

(10) Conductors and sockets shall be weatherproof and in good condition.

(11) The ends of conductors shall be securely taped.

(w) Tests, including stray voltage tests.

(1) Owners or operators of lines, equipment and appliances shall make such inspections, tests and determinations as required by law and as directed by the Department.

(i) Prior to performing any installation, removal, repair, and/or work within three (3) feet of any type of City electrical equipment or non-city electrical equipment in the public right-of-way or attached to City Property, including communication circuits, a contractor shall test the equipment for stray voltage. If the equipment tests positive (i.e. has a voltage reading greater than or equal to one (1) volt measured using a voltmeter and a 500 ohm shunt resistor), the electrical contractor shall contact the Department and the appropriate utility company immediately and shall report such test result and the location of the equipment. The contractor shall safeguard the location until the Department and/or the appropriate utility company responds to the location. The electrical contractor shall wait for clearance from the Department and the appropriate utility company prior to the commencement of work.

(ii) After completing any installation, removal, repair, and/or work within three (3) feet of any type of City electrical equipment or non-city electrical equipment in the public right-of-way or attached to City Property, including communication circuits, a contractor shall retest the

equipment for stray voltage. If the equipment tests positive, the electrical contractor shall contact the Department and the appropriate utility company immediately and shall report such test result and the location of the equipment. The contractor shall safeguard the location until the Department and/or the appropriate utility company responds to the location.

(2) The results of such tests and determinations shall be provided to the Department as requested.

(x) Transformers and cable boxes.

(1) This subdivision shall apply to transformers and cable boxes installed or intended to be installed on City property.

(2) Transformers and cable boxes shall not be installed on City electrical equipment, in manholes or vaults, or elsewhere in the street without first obtaining a permit.

(3) Transformers and cable boxes shall be so installed as to maintain the clearance between supply lines and communication lines, as specified in Table C of this section unless otherwise provided herein.

(4) Transformers shall be grounded pursuant to all applicable regulations.

(5) Transformers shall not be installed on the sidewalk or roadways without the approval of the Department

(y) Vertical Supply Conductors.

(1) Vertical supply conductors on City electrical equipment carrying communications wires shall have suitable insulating covering and be encased in a suitable, NEC or NESC approved, insulating conduit or casing extending from a point eight (8) feet above the ground up to the bottom of the appropriate cross arm, bracket or transformer; within eight (8) feet of the ground a suitable mechanical protection shall be provided.

(2) Notwithstanding the above, in connection with the use of metal sheathed supply cable, continuous iron pipe may be used throughout, without insulating covering, if the metal sheathed cable is an extension from an underground system, or if the iron pipe is permanently and effectively grounded. Iron pipe extending continuously down the pole and into a building and there grounded to the street side of the water shut-off, shall be considered as permanently and effectively grounded.

Section 2-21

ADOPT-A-HIGHWAY PROGRAM

(a) Purpose. The purpose of the Adopt-a-Highway Program is to enlist the help of maintenance providers, sponsors, and/or volunteers to assist in cleaning and beautifying the City's highways through litter and graffiti removal, tree trimming, sweeping, mowing, planting flowers or trees, and other landscape maintenance along designated highway routes.

(b) Definitions. For purposes of this section, the following terms have the following meanings:

(1) Adopted segment means a particular section of the highway designated by the Commissioner to be adopted by a sponsor or volunteer participating in the Adopt-a-Highway Program. In addition to the section of the highway, adopted segments may include highway exits, entrances, or service roads.

(2) Adopter means a sponsor or a volunteer approved by the Department to be a participant in the Adopt-a-Highway Program.

(3) Maintenance provider means a business entity approved by the Department to provide professional maintenance services on an adopted segment according to a permit issued by the Department.

(4) Maintenance provider agreement means a written agreement between a maintenance provider and the Department.

(5) Maintenance services means work performed at the adopted segments that may include, but is not necessarily limited to, litter removal, tree trimming, graffiti removal, sweeping, mowing, planting flowers or trees, and other landscape maintenance.

(6) Sponsor means any individual, business, corporation, or organization that enters into an agreement with a maintenance provider to perform maintenance services in a designated adopted segment.

(7) Sponsor agreement means a written agreement between a sponsor and a maintenance provider.

(8) Volunteer means any individual or group, other than those employed by a maintenance provider, who enters into a volunteer agreement with the Department to perform maintenance services on an adopted segment without compensation and in accordance with a permit issued by the Department.

(9) Volunteer agreement means a written agreement between the volunteer adopting an adopted segment and the Department.

(c) General requirements.

(1) Applications for Participation.

(i) Sponsors. Any individual, business, corporation or organization who desires to participate in the Adopt-a-Highway Program as a sponsor must obtain from the Department a list of maintenance providers with whom the sponsor may enter into a maintenance provider agreement.

(ii) Maintenance providers. Any business entity who desires to participate in the Adopt-a-Highway Program as a maintenance provider must submit an application by mail or electronically to the Department using the Department's Maintenance Provider and Related Services Application.

(iii) Volunteers. Any individual or group who desires to participate in the Adopt-a-Highway Program as a volunteer must submit an application by mail or electronically to the Department using the Department's Adopt-a-Highway Volunteer Application.

(2) Rights to segments.

(i) Segments are available for adoption on a first-come first-served basis. Prospective adopters may choose from the Department's list of available segments or may, upon

request, be placed on a waiting list for an already adopted segment.

(ii) The Department will maintain waiting lists for adopted segments in order of the date the request for an adopted segment is received by the Department. Upon termination or relinquishment of the adoption of a particular segment, if there is a waiting list for such segment, the Department will give the prospective adopter at the top of the applicable waiting list the opportunity to adopt such segment.

(3) Compliance. Adopters and maintenance providers must comply with any agreement the adopter or maintenance provider enters into with the Department related to the Adopt-a-Highway Program, the terms of the permit issued by the Department, the Adopt-a-Highway technical guidelines published by the Department, any other terms and conditions as required by the Department, and all applicable laws, rules, and regulations.

(d) Permits. A volunteer or maintenance provider whose application to participate in the Adopt-a-Highway Program has been approved must obtain a permit in order to perform work on the adopted segment.

(1) Maintenance provider permit. For each segment adopted by a sponsor, prior to performing any maintenance services, the maintenance provider must obtain a maintenance provider permit from the Department. The maintenance provider must perform the maintenance services required under its sponsor agreement in accordance with the terms and conditions of its maintenance provider agreement with the Department and the applicable maintenance provider permit.

(2) Volunteer permit. For each segment adopted by a volunteer, prior to performing any maintenance services, the volunteer must obtain a volunteer permit from the Department. The volunteer must perform the maintenance services required under its volunteer agreement in accordance with the terms and conditions of the volunteer permit.

(e) Levels of service.

(1) The Department will establish minimum levels of service for each adopted segment that will be delineated in the applicable maintenance provider permit or volunteer permit issued by the Department. Minimum levels of service may include litter pickup, trimming, sweeping, graffiti removal, landscape maintenance, or installation of new plantings. The Department will review with the adopter the level of service required for each adopted segment.

(2) Adopters may choose enhanced levels of service on an adopted segment. The enhanced levels of service must be approved by the Department and will be delineated in a permit issued by the Department. Enhanced levels of service may include any maintenance services not included in the adopter's minimum levels of service for the particular segment, such as planting.

(f) Work areas. Adopters must perform maintenance services in the areas detailed in the maintenance provider segment. Work areas may include areas on the curbside of highway segments between the travel way and the service or collector road, on and off ramps, and center areas of split roadways.

(g) Sponsors and maintenance providers.

(1) Sponsor-maintenance provider relationship.

(i) The sponsor agreement is exclusively between the maintenance provider and the sponsor. The Department is not a party to any agreement between the maintenance provider and the sponsor. Neither the maintenance provider nor the sponsor will be considered an agent of the Department. The cost of services for sponsors participating in the program is to be negotiated solely between the sponsor and the maintenance provider. All billing and collection occurs between those two parties. The Department has the right to review the sponsor agreement.

(ii) A sponsor enters into a contract with a maintenance provider for a particular segment with agreed upon levels of service. Both the sponsor and maintenance provider then sign

and submit a maintenance provider work permit application. Once the work permit application is approved by the Department, the sponsor has the right to that adopted segment for the duration of the work permit's terms and conditions.

(iii) Sponsors may change maintenance providers and still retain rights to the adopted segment as long as the new maintenance provider has been approved by the Department.

(2) Sponsor obligations. It is the sponsor's obligation to ensure that the maintenance provider's services are rendered as agreed upon in the sponsor agreement and in accordance with the maintenance provider agreement and maintenance provider permit.

(3) Term of adoption.

(i) Sponsors wishing to adopt a segment must commit to a minimum of a one-year agreement with a Department-approved maintenance provider.

(ii) Adopted segments that need landscaping require sponsor commitment for a minimum of two years.

(4) Maintenance provider qualifications. Maintenance providers must be approved by the Department to participate in the Adopt-a-Highway Program. Maintenance providers must have a minimum of five years of maintenance experience similar to that as defined as maintenance services in these rules, administrative experience, and experience with roadway closures. Maintenance Providers must conform with the requirements of VENDEX, New York City's automated system check on background, performance, tax, and contact information for businesses that contract with the City.

(5) Maintenance provider obligations. Maintenance providers act as independent contractors for sponsors. Maintenance providers are responsible for:

(i) Entering into and maintaining a maintenance provider agreement with the Department.

(ii) Reaching a sponsor agreement with a sponsor and informing sponsors of maintenance services completed.

(iii) Coordinating all maintenance services and requirements with the Department.

(iv) Submitting a maintenance provider work permit application and performing all administrative work associated with the program including billing and related services with the sponsor.

(v) Performing all maintenance services in accordance with the maintenance provider agreement and maintenance provider permit.

(vi) Maintaining records for each adopted segment including:

- Name of sponsor
- Description and length of each adopted segment
- Gross value (including in-kind goods and services) of sponsor contribution
- Levels of maintenance services provided
- Time period covered by the maintenance provider's agreement with the sponsor

(vii) Supplying all labor, equipment and capital resources necessary to perform the maintenance services in accordance with the maintenance provider agreement and maintenance provider permit.

(viii) Always using a backup truck with arrow board and impact attenuator when performing mechanical sweeping.

(ix) Picking-up and bagging litter and clippings; placing bags and bulk debris on the shoulder of each adopted segment.

(x) Transporting field personnel in commercial vehicles.

(xi) Performing maintenance services only during hours specified in the maintenance provider permit.

(xii) Ordering a sign as soon as the maintenance provider work permit application is approved by the Department.

(xiii) Providing a sign to the Department for installation at the adopted segment.
(xiv) Maintaining the sign so that it is dirt and graffiti free and unobstructed.
(xv) Recycling whenever possible when performing maintenance services.
(xvi) Scheduling maintenance services at the adopted segment from Monday through Thursday, except where Friday is needed to make-up for cancellations due to weather, or unless authorized by the Department.

(6) Field Personnel. Maintenance provider field personnel performing maintenance services must be 18 years of age or older. Every adopted segment must have a supervisor who can speak and understand English. All drivers must possess a valid commercial driver's license.

(7) Safety.

(i) Maintenance providers must be familiar with and comply with Part 6 of the most recent version of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the Federal Highway Administration (FHWA), and the New York State Supplement "Highway Work Zone Traffic Controls" and "Vegetation Control for Safety, A Guide for Street and Highway Maintenance Personnel," by the FHWA, Office of Highway Safety. Any lane closing schemes must be presented for approval to the Department's Office of Construction Mitigation and Coordination, and a maintenance provider permit must be issued before commencing maintenance services.

(ii) Maintenance providers are required to have every field employee complete a Department-approved safety training program each year.

(8) Insurance.

(i) From the date any maintenance provider agreement is executed through the date of its expiration or termination, the maintenance provider must ensure that the types of insurance indicated in this section are obtained and remain in force, and that such insurance adheres to all requirements herein. The maintenance provider is authorized to undertake or maintain operations under its maintenance provider agreement only during the effective period of all required coverage.

(ii) Types of required insurance.

(A) Commercial General Liability insurance. The maintenance provider shall maintain Commercial General Liability insurance in the amount of at least One Million Dollars ($1,000,000) per occurrence and at least Two Million Dollars ($2,000,000) aggregate. This insurance shall protect the insureds from claims for property damage and/or bodily injury, including death, that may arise from any of the operations under the maintenance provider agreement. Coverage shall be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and shall be "occurrence"-based rather than "claims-made." The City, together with its officials and employees, shall be an Additional Insured with coverage at least as broad as the most recent edition of ISO Form CG 2026.

(B) Workers' Compensation, Employers Liability, and Disability Benefits insurance. The maintenance provider shall maintain such insurance on behalf of, or with regard to, all employees involved in the maintenance provider's operations under its maintenance provider agreement to the full extent required by the laws of the State of New York.

(C) Business Automobile Liability insurance. With regard to all operations under its maintenance provider agreement, the maintenance provider shall maintain or cause to be maintained Business Automobile Liability insurance in the amount of at least One Million Dollars ($1,000,000) each accident (combined single limit) for liability arising out

of the ownership, maintenance or use of any owned, non-owned or hired vehicles. Coverage shall be at least as broad as the latest edition of ISO Form CA0001.

(iii) General requirements for insurance coverage and policies.

(A) Policies of insurance required under this section shall be provided by companies that may lawfully issue such policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Department.

(B) Policies of insurance required under this section shall be primary and non contributing to any insurance or self-insurance maintained by the City.

(C) There shall be no self-insurance program with regard to any insurance required under this section unless approved in writing by the Department. The maintenance provider shall ensure that any such self-insurance program provides the City with all rights that would be provided by traditional insurance under this section, including but not limited to the defense and indemnification obligations that insurers are required to undertake in liability policies.

(D) The City's limits of coverage for all types of insurance required under this section for which it is an Additional Insured shall be the greater of (1) the minimum limits set forth in this section or (2) the limits provided to the maintenance provider under all primary, excess and umbrella policies covering operations under its maintenance provider agreement.

(iv) Proof of Insurance.

(A) Certificates of Insurance for all insurance required in this section must be submitted to and accepted by the Department prior to or upon execution of any maintenance provider agreement.

(B) For Commercial General Liability insurance and Business Automobile Liability insurance, the maintenance provider shall submit one or more Certificates of Insurance in a form acceptable to the Department. All such Certificates of Insurance shall certify (1) the issuance and effectiveness of such policies of insurance, each with the specified minimum limits, and (2) the status of the City as Additional Insured under the Commercial General Liability policy, as required herein. All such Certificates of Insurance shall be accompanied by either a duly executed "Certification by Broker" in the form required by the Department or certified copies of all policies referenced in such Certificate of Insurance.

(C) Certificates of Insurance confirming renewals of insurance shall be submitted to the Department prior to the expiration date of coverage of all policies required under any maintenance provider agreement. Such Certificates of Insurance shall comply with clause (B) of this subparagraph.

(D) Acceptance or approval by the Department of a Certificate of Insurance or any other matter does not waive the maintenance provider's obligation to ensure that insurance fully consistent with the requirements of this section is secured and maintained, nor does it waive the maintenance provider's liability for its failure to do so.

(E) The maintenance provider shall be obligated to provide the City with a copy of any policy of insurance required under this section upon request by the Department or the New York City Law Department.

(v) Other insurance requirements.

(A) The maintenance provider may satisfy its insurance obligations under this section through primary policies or a combination of primary and excess/umbrella policies, so long as all policies provide the scope of coverage required herein.

(B) The maintenance provider shall be solely responsible for the payment of all premiums for all policies and all deductibles or self-insured retentions to which they are subject, whether or not the City is an insured under the policy.

(C) Where notice of loss, damage, occurrence, accident, claim, or suit is required under a policy maintained in accordance with this section, the maintenance provider shall notify in writing all insurance carriers that issued potentially responsive policies of any such event relating to any operations under its maintenance provider agreement (including notice to Commercial General Liability insurance carriers for events relating to the maintenance provider's own employees) no later than 20 days after such event. For any policy where the City is an Additional Insured, such notice shall expressly specify that "this notice is being given on behalf of the City of New York as Insured as well as the Named Insured." Such notice shall also contain the following information: the number of the insurance policy, the name of the named insured, the date and location of the damage, occurrence, or accident, and the identity of the persons or things injured, damaged, or lost. The maintenance provider shall simultaneously send a copy of such notice to the City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.

(D) The maintenance provider's failure to secure and maintain insurance in complete conformity with this section or to do anything else required by this section shall constitute a material breach of the maintenance provider agreement. Such breach shall not be waived or otherwise excused by any action or inaction by the City at any time.

(E) Insurance coverage in the minimum amounts provided for in this section shall not relieve the maintenance provider of any liability under its maintenance provider agreement, nor shall it preclude the City from exercising any rights or taking such other actions as are available to it under any other provisions of its maintenance provider agreement or the law.

(F) The maintenance provider waives all rights against the City, including its officials and employees, for any damages or losses that are covered under any insurance required under this section (whether or not such insurance is actually procured or claims are paid thereunder) or any other insurance applicable to the operations of the maintenance provider and/or its employees, agents, or servants of its contractors or subcontractors.

(G) In the event the maintenance provider requires any entity, by contract or otherwise, to procure insurance with regard to any operations under its maintenance provider agreement and requires such entity to name the maintenance provider as an additional insured under such insurance, the maintenance provider shall ensure that such entity also names the City, including its officials and employees, as an additional insured with coverage at least as broad as specified in ISO form CG 20 26.

(H) In the event the maintenance provider receives notice, from an insurance company

or other person, that any insurance policy required under this section shall expire or be cancelled or terminated (or has expired or been cancelled or terminated) for any reason, the maintenance provider shall immediately forward a copy of such notice to the Department. Notwithstanding the foregoing, the maintenance provider shall ensure that there is no interruption in any of the insurance coverage required under this section.

(9) Maintenance provider's responsibility for safety, injuries or damage; indemnification.

(i) In all its activities under a maintenance provider agreement, the maintenance provider shall be solely responsible for the safety and protection of its employees, agents, servants, contractors, and subcontractors, and for the safety and protection of the employees, agents, or servants of its contractors or subcontractors.

(ii) The maintenance provider shall be solely responsible for taking all reasonable precautions to protect the persons and property of the City or others from damage, loss, or injury resulting from any and all operations under its maintenance provider agreement.

(iii) The maintenance provider shall be solely responsible for injuries to any and all persons, including death, and damage to any and all property arising out of or related to the operations under its maintenance provider agreement, whether or not due to the negligence of the maintenance provider, including but not limited to injuries or damages resulting from the acts or omissions of any of its employees, agents, servants, contractors, subcontractors, or any other person.

(iv) To the fullest extent permitted by law, the maintenance provider shall indemnify, defend, and hold the City and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs, and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements) arising out of or related to any of the operations under its maintenance provider agreement (regardless of whether or not the maintenance provider itself had been negligent) and/or the maintenance provider's failure to comply with the law or any of the requirements of its maintenance provider agreement. Insofar as the facts or law relating to any of the foregoing would preclude the City or its officials and employees from being completely indemnified by the maintenance provider, the City and its officials and employees shall be partially indemnified by the maintenance provider to the fullest extent permitted by law.

(v) The maintenance provider's obligation to defend, indemnify, and hold the City and its officers and employees harmless shall not be (1) limited in any way by the maintenance provider's obligations to obtain and maintain insurance under its maintenance provider agreement, nor (2) adversely affected by any failure on the part of the City or its officers and employees to avail themselves of the benefits of such insurance.

(10) Equipment.

(i) All field personnel must be equipped with proper safety equipment and attire to perform work in the adopted segment, including but not limited to: orange safety vests, safety helmets, durable work gloves, long pants, and substantial leather footwear with ankle support.

(ii) Maintenance providers must have at least one heavy duty truck compliant with all federal, State, and City requirements.

(iii) All trucks used for the Adopt-a-Highway program must be equipped with:

(A) A truck mounted safety attenuator system designed and certified for use on vehicles to provide a safety crash cushion between approaching traffic and roadway workers. Truck mounted safety attenuators must be in good working order to meet or exceed the National Cooperative Highway Research Program Report #230 testing criteria for vehicles

weighing from 1,800 - 45,000 pounds, including any updates of that report.

(B) A flashing arrow board, appropriately mounted, facing oncoming traffic. The board must be a minimum of 3' x 5' and must comply with all federal and State standards for traffic directional arrow boards used on highways. In operating mode, it must provide:

1. FLASHING ARROW (5 lamp overhead, 3 lamp stem, both flashing simultaneously, 50% on and 50% off, right or left.)

2. DOUBLE FLASHING ARROW (5 lamp arrowheads at both ends, joined by and flashing simultaneously with 1 lamp center bar, 50% on and 50% off.)

3. TRAVEL MODE (lamps positioned in center bar, 50% on and 50% off.)

(C) Vehicle markings that include stripes on the back and sides of the vehicle and signage that indicates "SLOW MOVING" or "CAUTION" to oncoming traffic

(iv) At least one vehicle per adopted segment must have a two-way radio communication device.

(v) Maintenance providers must provide field personnel with green, black, or white plastic garbage bags, at least .003 mm thick and no larger than 33" x 45" for litter and debris pickup.

(11) Subcontracting. Subcontracting of litter pickup at the adopted segment is not permitted. Maintenance providers may subcontract other maintenance services. All subcontractors must be approved by the Department prior to performing any work at any adopted segment, obtain all insurance as required of maintenance providers by this section, and comply with the terms of the maintenance provider permit, the Adopt-a-Highway Guidelines published by the Department, any other terms and conditions as required by the Department, and all applicable laws, rules, and regulations.

(12) Hazardous debris removal. Maintenance provider field personnel must not touch or attempt to remove materials from the adopted segment which may be toxic or otherwise hazardous. Items to avoid include powders, chemicals, smelly substances, suspicious packages, chemical drums or containers, weapons, medical waste, syringes or hypodermic needles, dead animals, or bulk items that cannot be put in litter bags (such as car parts or larger items). Maintenance provider field personnel must immediately notify the Department of the location of these items.

(13) Notifications to the Department.

(i) Maintenance providers must provide the Department with a weekly proposed work schedule by Wednesday (5 p.m.) of the week prior to the work being performed.

(A) Work schedules must be typed and in a format approved by the Department, and must include segment number, sponsor name, highway, direction, mile marker to and from, and scheduled cleaning date.

(ii) By 9:00 A.M. of each day that maintenance providers will be performing maintenance services, they must submit to the Department a schedule of that day's maintenance activities including any changes not reflected on their weekly schedule.

(iii) If circumstances warrant that maintenance providers must amend their maintenance services while performing maintenance services, the maintenance providers must notify the Department immediately of such changes.

(14) Failure to maintain adopted segments. Maintenance providers will be notified as follows if the Department determines that an adopted segment was not maintained as scheduled:

(i) First observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled, the Department will verbally provide the maintenance provider with 24-hour notice to perform the required maintenance services. At the end of the 24-hour period, if the maintenance provider has not performed required maintenance services, the Department will provide written notification that the

maintenance provider has an additional 24-hour period to perform such required maintenance services.

(ii) Second observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled a second time within a six-month period, the Department will notify in writing, both the sponsor and the maintenance provider that it must complete the required maintenance services immediately.

(iii) Third observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled a third time within one year of the first observation, the Department may revoke the existing maintenance provider permit in accordance with this section and notify the sponsor. The sponsor may retain the adopted segment, provided that the sponsor enters into a sponsor agreement with a different maintenance provider.

(15) Solicitation of sponsors by maintenance providers.

(i) A maintenance provider must not directly contact a sponsor who has a sponsor agreement with a different maintenance provider by calling, writing or any other form of solicitation, except as indicated by this section.

(ii) If a maintenance provider is found to be soliciting another maintenance provider's sponsor in a manner inconsistent with this section, the maintenance provider will be subject to discharge from the Adopt-a-Highway program. Any such discharge shall be in accordance with subdivision (m) of this section.

(iii) The Department will provide a list of all approved maintenance providers on the Department's website and will provide any sponsor with a list upon request.

(iv) Three months prior to a maintenance provider agreement renewal date, the Department will provide sponsors with a letter reminding the sponsor that it may switch maintenance providers, as well as a list of all current maintenance providers with contact information.

(16) Changes in levels of service. The Department may change the minimum levels of service for an adopted segment and will notify the adopter of such changes in levels of service no fewer than 30 days prior to such change in levels of service being in effect.

(h) Volunteers.

(1) Term of adoption. Volunteers wishing to adopt a segment must commit to a minimum of a one-year agreement with the Department to perform maintenance services at the adopted segment.

(2) Volunteer obligations. Volunteers are responsible for:

(i) Entering into a volunteer agreement with the Department.

(ii) Coordinating all maintenance services and requirements with the Department.

(iii) Submitting a volunteer permit application to the Department.

(iv) Performing all maintenance services in accordance with the volunteer agreement and volunteer permit.

(v) Supplying all labor to perform the maintenance services in accordance with the volunteer agreement and the volunteer permit.

(vi) Picking up and bagging litter and clippings and leaving them for pick-up as directed by the Department.

(vii) Working on adopted segments only during hours specified in the volunteer permit.

(viii) Submitting a form to the Department after the first two months of maintaining the adopted segment to request that the Department manufacture and install a sign at the adopted segment.

(ix) Maintaining the sign so it is dirt free and unobstructed.

(x) Attending safety training sessions provided by the Department.

(xi) Having the volunteer permit on hand while working at the adopted segment.

(3) Renewals. The Department will mail volunteers a renewal volunteer agreement one month prior to expiration of the current volunteer agreement. Volunteers must return the signed volunteer agreement one week prior to the expiration of the volunteer agreement or the area will be considered abandoned, the recognition panel will be removed, and the adopted segment will be made available to the next adopter on the waiting list.

(4) Adopted segment improvements. Any improvements to the adopted segment such as plantings or structures, including, but not limited to, flagpoles, benches, bird feeders or baths, retaining walls, and light houses, must be approved by the Department prior to installation.

(5) Use of pesticides. Volunteers may only use pesticides approved by the Department in the adopted segment. Pesticides may only be applied by New York State Department of Environmental Conservation Certified Pesticide Applicators.

(6) Liability waiver. Volunteers must sign a liability waiver that waives any liability to the City for any accident or injury that may occur at the adopted segment while the volunteers are performing maintenance services at the adopted segment.

(7) Frequency of maintenance services. Volunteers must perform maintenance services at their adopted segments at least 30 times per year. This includes a requirement to clean the adopted segment a minimum of three times per month in May, June, July, August, September, and October and a minimum of twice a month every other month during the year.

(8) Age of field personnel. Volunteer personnel working on adopted segments must be 18 years of age or older.

(9) Safety.

(i) Prior to the commencement of work at the adopted segment, the Department will inspect the adopted segment to assure that it is a safe place for the volunteers to perform maintenance services without the closing of traffic lanes.

(ii) Volunteers must adhere to the following safety rules when performing work on the adopted segment:

(A) Only allow persons 18 or older and in good physical condition (sight, hearing, and mental alertness) to work in the adopted segment.

(B) When the volunteer is a group, a volunteer group leader must be designated by the group. The volunteer group leader is responsible for providing information on safety to the group and must conduct a safety training refresher session before performing any maintenance services.

(C) Park no closer than the nearest side street or service road to the adopted segment and never on the highway.

(D) Wear appropriate attire including, but not limited to: highway safety vests and orange or red clothing; heavy work gloves; work shoes or boots with ankle support; hats; and long pants.

(E) Never drink alcoholic beverages or use illegal substances while working at the adopted segment.

(F) Never perform maintenance services on the roadway.

(G) Stay off steep slopes when working at the adopted segment.

(H) Have a first aid kit on site at the adopted segment and know the route to the closest hospital/emergency room.

(I) Never pick-up hazardous or medical waste found at the adopted segment and immediately notify the Department of such waste.

(K) Never use headphones while performing maintenance services on the adopted segment.

(L) Avoid contact with poisonous plants and notify the Department of any poisonous plants found at the adopted segment.
(M) Never cross the highway for any reason.
(N) Never enter the highway or its shoulder area to pick up trash.

(10) Notice after performing maintenance services. Volunteers should notify the Department after performing maintenance services at the adopted segment so that the Department can schedule pick-up of the trash bags.

(11) Recycling. Volunteers should recycle whenever possible when performing maintenance services.

(i) Changing adopted segments. Adopters may exchange their existing segment for another segment in the system provided that the other segment is available. The Adopt-A-Highway sign must stay at the original adopted segment. The Department will remove the recognition panel portion of the sign containing the adopter's name from the original segment and use it for the new segment.

(j) Reserving segments. Adopters may not reserve or hold segments. Once a permit has been issued for a segment, the maintenance provider or volunteer must begin performing maintenance services in accordance with the terms and conditions of the permit within such time as is specified in the sponsor agreement and/or volunteer agreement.

(k) Adopt-a-Highway Signs.

(1) Signs are produced and maintained by the maintenance provider or volunteer and must be delivered to the Department for installation no later than one month after the permit for an adopted segment is approved.

(2) Sign installation.

(i) Ground mounted signs will be installed by the Department as close to the beginning of the adopted segment as feasible, taking into consideration safety and other informational signage.

(ii) Signs requiring bridge, gantry wall, or parapet mounting will be installed by the Department or a contractor approved by the Department, and paid for by the maintenance provider or volunteer.

(3) All signs posted at the adopted segment must:

(i) consist of a standard base sign design with a removable recognition panel identifying the sponsor's or volunteer's name and/or logo;
(ii) conform to the Department's specifications for size, shape, materials, and placement;
(iii) not be used for advertising purposes; and
(iv) comply with applicable laws, rules, and regulations.

(4) Where litter pick-up, trimming and/or mechanical sweeping are the services provided, the sign will read "LITTER REMOVAL."

(5) Where other services are provided the signs will read "BEAUTIFICATION."

(6) Signs on elevated highway segments must be 4' x 4.5' and hung on lampposts.

(7) Signs on the Henry Hudson Parkway must be larger than 4' x 4.5' to accommodate two recognition panels.

(8) Maintenance providers and volunteers must replace damaged or stolen signs.

(9) When an adopter terminates its agreement with the Adopt-a-Highway program, the adopter must not remove the sign. The Department will remove the recognition panel portion of the sign.

(l) Field inspections of adopted segments. The Department will perform inspections of the adopted segment to assure that maintenance providers and volunteers are performing maintenance services as required under their permits and agreements.

(m) Voiding and revoking permits.

(1) If an adopter does not perform maintenance services at an adopted segment one month after permit issuance, the Department will notify the adopter orally and in writing that its permit has become void.

(2) The Department may revoke a volunteer or maintenance provider permit for a permittee's failure to comply with this section, the requirements of the permit, the Adopt-a-Highway technical guidelines, and any applicable laws, rules, and regulations.

(i) Prior to revoking a permit the Department will give the permittee an opportunity to be heard with at least two days notice.

(ii) If the Department determines that an imminent peril to life or property exists, the Department may revoke a permit without providing the permittee an opportunity to be heard prior to such revocation. Upon request of the permittee, the Department will provide the permittee an opportunity to present its objections to such action within five days after the Department receives the request.

(3) The Department will assign the segment of the voided or revoked permit to the next sponsor or volunteer on the waiting list or place the segment on the available segment list.

Section 2-22

ADOPT-A-GREENWAY PROGRAM

(a) Purpose. The purpose of the Adopt-a-Greenway Program is to enlist the help of maintenance providers, sponsors, and/or volunteers to assist in cleaning and beautifying the City's greenways through litter and graffiti removal, tree trimming, sweeping, mowing, planting flowers or trees, snow removal and other landscape maintenance along designated greenway routes.

(b) Definitions. For purposes of this section, the following terms have the following meanings:

(1) Adopted segment means a particular section of the greenway designated by the Commissioner to be adopted by a sponsor or volunteer participating in the Adopt-a-Greenway Program.

(2) Adopter means a sponsor or a volunteer approved by the Department to be a participant in the Adopt-a-Greenway Program.

(3) Maintenance provider means a business entity approved by the Department to provide professional maintenance services on an adopted segment according to a permit issued by the Department.

(4) Maintenance provider agreement means a written agreement between a maintenance provider and the Department.

(5) Maintenance services means work performed at the adopted segments that may include, but is not necessarily limited to, litter removal, snow removal, tree trimming, graffiti removal, sweeping, mowing, planting flowers or trees, and other landscape maintenance.

(6) Sponsor means any individual, business, corporation, or organization that enters into an agreement with a maintenance provider to perform maintenance services in a designated adopted segment.

(7) Sponsor agreement means a written agreement between a sponsor and a maintenance provider.

(8) Volunteer means any individual or group, other than those employed by a maintenance provider, who enters into a volunteer agreement with the Department to perform maintenance services on an adopted segment without compensation, and in accordance with a permit issued by the Department.

(9) Volunteer agreement means a written agreement between the volunteer adopting an adopted segment and the Department.

(c) General requirements.

(1) Applications for Participation.

(i) Sponsors. Any individual, business, corporation or organization who desires to participate in the Adopt-a-Greenway Program as a sponsor must obtain from the Department a list of maintenance providers with whom the sponsor may enter into a maintenance provider agreement.

(ii) Maintenance providers. Any business entity who desires to participate in the Adopt-a-Greenway Program as a maintenance provider must submit an application by mail or electronically to the Department using the Department's Adopt-a-Greenway Maintenance Provider and Related Services Application.

(iii) Volunteers. Any individual or group who desires to participate in the Adopt-a-Greenway Program as a volunteer must submit an application by mail or electronically to the Department using the Department's Adopt-a-Greenway Volunteer Application.

(2) Rights to segments.

(i) Segments are available for adoption on a first-come first-served basis. Prospective adopters may choose from the Department's list of available segments or may, upon request, be placed on a waiting list for an already adopted segment.

(ii) The Department will maintain waiting lists for adopted segments in order of the date the request for an adopted segment is received by the Department. Upon termination or relinquishment of the adoption of a particular segment, if there is a waiting list for such segment, the Department will give the prospective adopter at the top of the applicable waiting list the opportunity to adopt such segment.

(3) Compliance. Adopters and maintenance providers must comply with any agreement the adopter or maintenance provider enters into with the Department related to the Adopt-a-Greenway Program, the terms of the permit issued by the Department, the Adopt-a-Greenway technical guidelines published by the Department, any other terms and conditions as required by the Department, and all applicable laws, rules, and regulations.

(d) Permits. A volunteer or maintenance provider whose application to participate in the Adopt-a-Greenway Program has been approved must obtain a permit in order to perform work on the adopted segment.

(1) Maintenance provider permit. For each segment adopted by a sponsor, prior to performing any maintenance services, the maintenance provider must obtain a maintenance provider permit from the Department. The maintenance provider must perform the maintenance services required under its sponsor agreement in accordance with the terms and conditions of its maintenance provider agreement with the Department and the applicable maintenance provider permit.

(2) Volunteer permit. For each segment adopted by a volunteer, prior to performing any maintenance services, the volunteer must obtain a volunteer permit from the Department. The volunteer must perform the maintenance services required under its volunteer agreement in accordance with the terms and conditions of the volunteer permit.

(e) Levels of service.

(1) The Department will establish minimum levels of service for each adopted segment that will be delineated in the applicable maintenance provider permit or volunteer permit issued by the Department. Minimum levels of service may include litter pickup, trimming, sweeping, graffiti removal, landscape maintenance, snow removal, or installation of new plantings. The Department will review with the adopter the level of service required for each adopted segment.

(2) Adopters may choose enhanced levels of service on an adopted segment. The enhanced levels of service must be approved by the Department and will be delineated in a permit issued by the Department. Enhanced levels of service may include any maintenance services not included in the adopter's minimum levels of service for the particular segment, such as planting.

(f) Work areas. Adopters must perform maintenance services in the areas detailed in the maintenance provider segment.

(g) Sponsors and maintenance providers.

(1)Sponsor-maintenance provider relationship.

(i) The sponsor agreement is exclusively between the maintenance provider and the sponsor. The Department is not a party to any agreement between the maintenance provider and the sponsor. Neither the maintenance provider nor the sponsor will be considered an agent of the Department. The cost of services for sponsors participating in the program is to be negotiated solely between the sponsor and the maintenance provider. All billing and

collection occurs between those two parties. The Department has the right to review the sponsor agreement.

(ii) A sponsor enters into a contract with a maintenance provider for a particular segment with agreed upon levels of service. Both the sponsor and maintenance provider then sign and submit a maintenance provider work permit application. Once the work permit application is approved by the Department, the sponsor has the right to that adopted segment for the duration of the work permit's terms and conditions.

(iii) Sponsors may change maintenance providers and still retain rights to the adopted segment as long as the new maintenance provider has been approved by the Department.

(2) Sponsor obligations. It is the sponsor's obligation to ensure that the maintenance provider's services are rendered as agreed upon in the sponsor agreement and in accordance with the maintenance provider agreement and maintenance provider permit.

(3) Term of adoption.

(i) Sponsors wishing to adopt a segment must commit to a minimum of a one-year agreement with a Department-approved maintenance provider.

(ii) Adopted segments that need landscaping require sponsor commitment for a minimum of two years.

(4) Maintenance provider qualifications. Maintenance providers must be approved by the Department to participate in the Adopt-a-Greenway Program. Maintenance providers must have a minimum of one year of maintenance experience similar to that as defined as maintenance services in paragraph (5) of subdivision (b) of this section and one year of administrative experience. Maintenance Providers must conform with the requirements of VENDEX, New York City's automated system check on background, performance, tax, and contact information for businesses that contract with the City.

(5) Maintenance provider obligations. Maintenance providers act as independent contractors for sponsors. Maintenance providers are responsible for:

(i) Entering into and maintaining a maintenance provider agreement with the Department.

(ii) Reaching a sponsor agreement with a sponsor and informing sponsors of maintenance services completed.

(iii) Coordinating all maintenance services and requirements with the Department.

(iv) Submitting a maintenance provider work permit application and performing all administrative work associated with the program including billing and related services with the sponsor.

(v) Performing all maintenance services in accordance with the maintenance provider agreement and maintenance provider permit.

(vi) Maintaining records for each adopted segment including:

- Name of sponsor
- Description and length of each adopted segment
- Gross value (including in-kind goods and services) of sponsor contribution
- Levels of maintenance services provided
- Time period covered by the maintenance provider's agreement with the sponsor

(vii) Supplying all labor, equipment and capital resources necessary to perform the maintenance services in accordance with the maintenance provider agreement and maintenance provider permit.

(viii) Picking-up and bagging litter and clippings; placing bags and bulk debris on the shoulder of each adopted segment.

(ix) When transporting field personnel to adopted segments, such field personnel must be transported in commercial vehicles.

(x) Performing maintenance services only during hours specified in the maintenance provider

permit.

(xi) Ordering a sign as soon as the maintenance provider work permit application is approved by the Department.

(xii) Providing a sign to the Department for installation at the adopted segment.

(xiii) Maintaining the sign so that it is dirt and graffiti free and unobstructed.

(xiv) Recycling whenever possible when performing maintenance services.

(xv) Submitting a maintenance services schedule to the Department.

(6) Field Personnel. Maintenance provider field personnel performing maintenance services must be 18 years of age or older. Every adopted segment must have a supervisor who can speak and understand English. All drivers must possess a valid commercial driver's license.

(7) Safety.

(i) Maintenance providers must be familiar with and comply with Part 6 of the most recent version of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the Federal Highway Administration (FHWA), the New York State Supplement "Work Zone Traffic Control" and "Vegetation Control for Safety, A Guide for Street and Highway Maintenance Personnel," by the FHWA, Office of Highway Safety. Any lane closing schemes must be presented for approval to the Department's Office of Construction Mitigation and Coordination, and a maintenance provider permit must be issued before commencing maintenance services.

(ii) Maintenance providers are required to have every field employee complete a Department-approved safety training program each year.

(8) Insurance.

(i) From the date any maintenance provider agreement is executed through the date of its expiration or termination, the maintenance provider must ensure that the types of insurance indicated in this section are obtained and remain in force, and that such insurance adheres to all requirements herein. The maintenance provider is authorized to undertake or maintain operations under its maintenance provider agreement only during the effective period of all required coverage.

(ii) Types of required insurance.

(A) Commercial General Liability insurance. The maintenance provider shall maintain Commercial General Liability insurance in the amount of at least One Million Dollars ($1,000,000) per occurrence and at least Two Million Dollars ($2,000,000) aggregate. This insurance shall protect the insureds from claims for property damage and/or bodily injury, including death, that may arise from any of the operations under the maintenance provider agreement. Coverage shall be at least as broad as that provided by the most recently issued Insurance Services Office ("ISO") Form CG 0001, and shall be "occurrence"-based rather than "claims-made." The City, together with its officials and employees, shall be an Additional Insured with coverage at least as broad as the most recent edition of ISO Form CG 2026.

(B) Workers' Compensation, Employers Liability, and Disability Benefits insurance. The maintenance provider shall maintain such insurance on behalf of, or with regard to, all employees involved in the maintenance provider's operations under its maintenance provider agreement to the full extent required by the laws of the State of New York.

(C) Business Automobile Liability insurance. With regard to all operations under its maintenance provider agreement, the maintenance provider shall maintain or cause to be maintained Business Automobile Liability insurance in the amount of at

least One Million Dollars ($1,000,000) each accident (combined single limit) for liability arising out of the ownership, maintenance or use of any owned, non-owned or hired vehicles. Coverage shall be at least as broad as the latest edition of ISO Form CA0001.

(iii) General requirements for insurance coverage and policies.

(A) Policies of insurance required under this section shall be provided by companies that may lawfully issue such policy and have an A.M. Best rating of at least A- / "VII" or a Standard and Poor's rating of at least A, unless prior written approval is obtained from the Department.

(B) Policies of insurance required under this section shall be primary and non-contributing to any insurance or self-insurance maintained by the City.

(C) There shall be no self-insurance program with regard to any insurance required under this section unless approved in writing by the Department. The maintenance provider shall ensure that any such self-insurance program provides the City with all rights that would be provided by traditional insurance under this section, including but not limited to the defense and indemnification obligations that insurers are required to undertake in liability policies.

(D) The City's limits of coverage for all types of insurance required under this section for which it is an Additional Insured shall be the greater of (1) the minimum limits set forth in this section or (2) the limits provided to the maintenance provider under all primary, excess and umbrella policies covering operations under its maintenance provider agreement.

(iv) Proof of Insurance.

(A) Certificates of Insurance for all insurance required in this section must be submitted to and accepted by the Department prior to or upon execution of any maintenance provider agreement.

(B) For Commercial General Liability insurance and Business Automobile Liability insurance, the maintenance provider shall submit one or more Certificates of Insurance in a form acceptable to the Department. All such Certificates of Insurance shall certify (1) the issuance and effectiveness of such policies of insurance, each with the specified minimum limits, and (2) the status of the City as Additional Insured under the Commercial General Liability policy, as required herein. All such Certificates of Insurance shall be accompanied by either a duly executed "Certification by Broker" in the form required by the Department or certified copies of all policies referenced in such Certificate of Insurance.

(C) Certificates of Insurance confirming renewals of insurance shall be submitted to the Department prior to the expiration date of coverage of all policies required under any maintenance provider agreement. Such Certificates of Insurance shall comply with clause (B) of this subparagraph.

(D) Acceptance or approval by the Department of a Certificate of Insurance or any other matter does not waive the maintenance provider's obligation to ensure that insurance fully consistent with the requirements of this section is secured and maintained, nor does it waive the maintenance provider's liability for its failure to do so.

(E) The maintenance provider shall be obligated to provide the City with a copy of any policy of insurance required under this section upon request by the Department or the New York City Law Department.

(v) Other insurance requirements.

(A) The maintenance provider may satisfy its insurance obligations under this section through primary policies or a combination of primary and excess/umbrella policies, so long as all policies provide the scope of coverage required herein.

(B) The maintenance provider shall be solely responsible for the payment of all premiums for all policies and all deductibles or self-insured retentions to which they are subject, whether or not the City is an insured under the policy.

(C) Where notice of loss, damage, occurrence, accident, claim, or suit is required under a policy maintained in accordance with this section, the maintenance provider shall notify in writing all insurance carriers that issued potentially responsive policies of any such event relating to any operations under its maintenance provider agreement (including notice to Commercial General Liability insurance carriers for events relating to the maintenance provider's own employees) no later than 20 days after such event. For any policy where the City is an Additional Insured, such notice shall expressly specify that "this notice is being given on behalf of the City of New York as Insured as well as the Named Insured." Such notice shall also contain the following information: the number of the insurance policy, the name of the named insured, the date and location of the damage, occurrence, or accident, and the identity of the persons or things injured, damaged, or lost. The maintenance provider shall simultaneously send a copy of such notice to the City of New York c/o Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.

(D) The maintenance provider's failure to secure and maintain insurance in complete conformity with this section or to do anything else required by this section shall constitute a material breach of the maintenance provider agreement. Such breach shall not be waived or otherwise excused by any action or inaction by the City at any time.

(E) Insurance coverage in the minimum amounts provided for in this section shall not relieve the maintenance provider of any liability under its maintenance provider agreement, nor shall it preclude the City from exercising any rights or taking such other actions as are available to it under any other provisions of its maintenance provider agreement or the law.

(F) The maintenance provider waives all rights against the City, including its officials and employees, for any damages or losses that are covered under any insurance required under this section (whether or not such insurance is actually procured or claims are paid thereunder) or any other insurance applicable to the operations of the maintenance provider and/or its employees, agents, or servants of its contractors or subcontractors.

(G) In the event the maintenance provider requires any entity, by contract or otherwise, to procure insurance with regard to any operations under its maintenance provider agreement and requires such entity to name the maintenance provider as an additional insured under such insurance, the maintenance provider shall ensure that such entity also names the City, including its officials and employees, as an additional insured with

coverage at least as broad as specified in ISO form CG 20 26.

(H) In the event the maintenance provider receives notice, from an insurance company or other person, that any insurance policy required under this section shall expire or be cancelled or terminated (or has expired or been cancelled or terminated) for any reason, the maintenance provider shall immediately forward a copy of such notice to the Department. Notwithstanding the foregoing, the maintenance provider shall ensure that there is no interruption in any of the insurance coverage required under this section.

(9) Maintenance provider's responsibility for safety, injuries or damage; indemnification.

(i) In all its activities under a maintenance provider agreement, the maintenance provider shall be solely responsible for the safety and protection of its employees, agents, servants, contractors, and subcontractors, and for the safety and protection of the employees, agents, or servants of its contractors or subcontractors.

(ii) The maintenance provider shall be solely responsible for taking all reasonable precautions to protect the persons and property of the City or others from damage, loss, or injury resulting from any and all operations under its maintenance provider agreement.

(iii) The maintenance provider shall be solely responsible for injuries to any and all persons, including death, and damage to any and all property arising out of or related to the operations under its maintenance provider agreement, whether or not due to the negligence of the maintenance provider, including but not limited to injuries or damages resulting from the acts or omissions of any of its employees, agents, servants, contractors, subcontractors, or any other person.

(iv) To the fullest extent permitted by law, the maintenance provider shall indemnify, defend, and hold the City and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs, and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements) arising out of or related to any of the operations under its maintenance provider agreement (regardless of whether or not the maintenance provider itself had been negligent) and/or the maintenance provider's failure to comply with the law or any of the requirements of its maintenance provider agreement. Insofar as the facts or law relating to any of the foregoing would preclude the City or its officials and employees from being completely indemnified by the maintenance provider, the City and its officials and employees shall be partially indemnified by the maintenance provider to the fullest extent permitted by law.

(v) The maintenance provider's obligation to defend, indemnify, and hold the City and its officers and employees harmless shall not be (1) limited in any way by the maintenance provider's obligations to obtain and maintain insurance under its maintenance provider agreement, nor (2) adversely affected by any failure on the part of the City or its officers and employees to avail themselves of the benefits of such insurance.

(10) Equipment.

(i) All field personnel must be equipped with proper safety equipment and attire to perform work in the adopted segment, including but not limited to: orange safety vests, safety helmets, durable work gloves, long pants, and substantial leather footwear with ankle support.

(ii) Maintenance providers must provide field personnel with green, black, or white plastic garbage bags, at least .003 mm thick and no larger than 33" x 45" for litter and debris pickup.

(11) Subcontracting. Subcontracting of litter pickup at the adopted segment is not permitted. Maintenance providers may subcontract other maintenance services. All subcontractors must be approved by the Department prior to performing any work at any adopted segment, obtain all insurance as required of maintenance providers by this section, and comply with the terms

of the maintenance provider permit, the Adopt-a-Greenway Guidelines published by the Department, any other terms and conditions as required by the Department, and all applicable laws, rules, and regulations.

(12) Hazardous debris removal. Maintenance provider field personnel must not touch or attempt to remove materials from the adopted segment which may be toxic or otherwise hazardous. Items to avoid include powders, chemicals, smelly substances, suspicious packages, chemical drums or containers, weapons, medical waste, syringes or hypodermic needles, dead animals, or bulk items that cannot be put in litter bags (such as car parts or larger items). Maintenance provider field personnel must immediately notify the Department of the location of these items.

(13) Notifications to the Department.

(i) Maintenance providers must provide the Department with a weekly proposed work schedule by Wednesday (5 p.m.) of the week prior to the work being performed.

(A) Work schedules must be typed and in a format approved by the Department, and must include segment number, sponsor name, adopted segment, and scheduled cleaning date.

(ii) By 9:00 A.M. of each day that maintenance providers will be performing maintenance services, they must submit to the Department a schedule of that day's maintenance activities including any changes not reflected on their weekly schedule.

(iii) If circumstances warrant that maintenance providers must amend their maintenance services while performing maintenance services, the maintenance providers must notify the Department immediately of such changes.

(14) Failure to maintain adopted segments. Maintenance providers will be notified as follows if the Department determines that an adopted segment was not maintained as scheduled:

(i) First observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled, the Department will verbally provide the maintenance provider with 24-hour notice to perform the required maintenance services. At the end of the 24-hour period, if the maintenance provider has not performed required maintenance services, the Department will provide written notification that the maintenance provider has an additional 24-hour period to perform such required maintenance services.

(ii) Second observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled a second time within a six-month period, the Department will notify in writing, both the sponsor and the maintenance provider that it must complete the required maintenance services immediately.

(iii) Third observation. If, upon inspection, the Department observes that an adopted segment was not maintained as scheduled a third time within one year of the first observation, the Department may revoke the existing maintenance provider permit in accordance with this section and notify the sponsor. The sponsor may retain the adopted segment, provided that the sponsor enters into a sponsor agreement with a different maintenance provider.

(15) Solicitation of sponsors by maintenance providers.

(i) A maintenance provider must not directly contact a sponsor who has a sponsor agreement with a different maintenance provider by calling, writing or any other form of solicitation, except as indicated by this section.

(ii) If a maintenance provider is found to be soliciting another maintenance provider's sponsor in a manner inconsistent with this section, the maintenance provider will be subject to discharge from the Adopt-a-Greenway program. Any such discharge shall be in accordance with subdivision (m) of this section.

(iii) The Department will provide a list of all approved maintenance providers on the Department's website and will provide any sponsor with a list upon request.

(iv) Three months prior to a maintenance provider agreement renewal date, the Department will provide sponsors with a letter reminding the sponsor that it may switch maintenance providers, as well as a list of all current maintenance providers with contact information.

(16) Changes in levels of service. The Department may change the minimum levels of service for an adopted segment and will notify the adopter of such changes in levels of service no fewer than 30 days prior to such change in levels of service being in effect.

(h) Volunteers.

(1) Term of adoption. Volunteers wishing to adopt a segment must commit to a minimum of a one-year agreement with the Department to perform maintenance services at the adopted segment.

(2) Volunteer obligations. Volunteers are responsible for:

(i) Entering into a volunteer agreement with the Department.

(ii) Coordinating all maintenance services and requirements with the Department.

(iii) Submitting a volunteer permit application to the Department.

(iv) Performing all maintenance services in accordance with the volunteer agreement and volunteer permit.

(v) Supplying all labor to perform the maintenance services in accordance with the volunteer agreement and the volunteer permit.

(vi) Picking up and bagging litter and clippings and leaving them for pick-up as directed by the Department.

(vii) Working on adopted segments only during hours specified in the volunteer permit.

(viii) Submitting a form to the Department after the first two months of maintaining the adopted segment to request that the Department manufacture and install a sign at the adopted segment.

(ix) Maintaining the sign so it is dirt free and unobstructed.

(x) Attending safety training sessions provided by the Department.

(xi) Having the volunteer permit on hand while working at the adopted segment.

(3) Renewals. The Department will mail volunteers a renewal volunteer agreement one month prior to expiration of the current volunteer agreement. Volunteers must return the signed volunteer agreement one week prior to the expiration of the volunteer agreement or the area will be considered abandoned, the acknowledgement sign will be removed, and the adopted segment will be made available to the next adopter on the waiting list.

(4) Adopted segment improvements. Any improvements to the adopted segment such as plantings or structures, including, but not limited to, flagpoles, benches, bird feeders or baths, retaining walls, and light houses, must be approved by the Department prior to installation.

(5) Use of pesticides. Volunteers may only use pesticides approved by the Department in the adopted segment. Pesticides may only be applied by New York State Department of Environmental Conservation Certified Pesticide Applicators.

(6) Liability waiver. Volunteers must sign a liability waiver that waives any liability to the City for any accident or injury that may occur at the adopted segment while the volunteers are performing maintenance services at the adopted segment.

(7) Frequency of maintenance services. Volunteers must perform maintenance services at their adopted segments at least 30 times per year. This includes a requirement to clean the adopted segment a minimum of three times per month in May, June, July, August, September, and October and a minimum of twice a month every other month during the year.

(8) Age of volunteer field personnel. Except as otherwise provided in this paragraph, volunteer field personnel working on adopted segments must be 18 years of age or older.

(i) If the volunteer is a group:

(A) Any minor 15 years of age and older within such group shall be required to provide written consent from a parent or guardian prior to participating in the maintenance

services at the adopted segment;

(B) Any minor 13 or 14 years of age with such group shall be required to provide written consent from a parent or guardian prior to participating in the maintenance services and shall only be permitted to perform such maintenance services in the presence of his/her parent or guardian.

(ii) No person under the age of 13 shall be permitted to perform any maintenance services at any adopted segment.

(9) Safety.

(i) Prior to the commencement of work at the adopted segment, the Department will inspect the adopted segment to assure that it is a safe place for the volunteers to perform maintenance services without the closing of traffic lanes.

(ii) Volunteers must adhere to the following safety rules when performing work on the adopted segment:

(A) Only allow persons in good physical condition (sight, hearing, and mental alertness) to work in the adopted segment.

(B) When the volunteer is a group, a volunteer group leader must be designated by the group. The volunteer group leader is responsible for providing information on safety to the group and must conduct a safety training refresher session before performing any maintenance services.

(C) Wear appropriate attire including, but not limited to: retroreflective safety vests and orange or red clothing; heavy work gloves; work shoes or boots with ankle support; hats; and long pants.

(D) Never drink alcoholic beverages or use illegal substances while working at the adopted segment.

(E) Never perform maintenance services on the portion of the roadway intended for vehicular travel.

(F) Stay off steep slopes when working at the adopted segment.

(G) Have a first aid kit on site at the adopted segment and know the route to the closest hospital/emergency room.

(H) Never pick-up hazardous or medical waste found at the adopted segment and immediately notify the Department of such waste.

(I) Never use headphones while performing maintenance services on the adopted segment.

(J) Avoid contact with poisonous plants and notify the Department of any poisonous plants found at the adopted segment.

(10) Notice after performing maintenance services. Volunteers should notify the Department after performing maintenance services at the adopted segment so that the Department can schedule pick-up of the trash bags.

(11) Recycling. Volunteers should recycle whenever possible when performing maintenance services.

(i) Changing adopted segments. Adopters may exchange their existing segment for another segment in the system provided that the other segment is available. The Adopt-a-Greenway acknowledgment sign must stay at the original adopted segment. The Department will remove the acknowledgement sign from the original segment and use it for the new segment.

(j) Reserving segments. Adopters may not reserve or hold segments. Once a permit has been issued for a segment, the maintenance provider or volunteer must begin performing maintenance services in accordance with the terms and conditions of the permit within such time as is specified in the sponsor agreement and/or volunteer agreement.

(k) Sharing segments. Upon approval by the Department, adopters may share the rights and maintenance services associated with a particular segment with one other adopter. Each adopter must comply with all other requirements of this section, any agreement the adopter or maintenance provider enters into with the Department related to the Adopt-a-Greenway Program, the terms of the permit issued by the Department, the Adopt-a-Greenway technical guidelines published by the Department, any other terms and conditions as required by the Department, and all other applicable laws, rules, and regulations.

(l) Adopt-a-Greenway Signs.

(1) Signs are produced and maintained by the maintenance provider or volunteer and must be delivered to the Department for installation no later than one month after the permit for an adopted segment is approved.

(2) Sign installation.

(i) Ground mounted signs will be installed by the Department as close to the beginning of the adopted segment as feasible, taking into consideration safety and other informational signage.

(ii) Signs requiring bridge, gantry wall, or parapet mounting will be installed by the Department or a contractor approved by the Department, and paid for by the maintenance provider or volunteer.

(3) All signs posted at the adopted segment must:

(i) consist of a standard base sign design identifying the sponsor's or volunteer's name and/or logo;

(ii) conform to the Department's specifications for size, shape, materials, and placement;

(iii) not be used for advertising purposes; and

(iv) comply with applicable laws, rules, and regulations.

(4) Signs will read "BEAUTIFICATION."

(5) Maintenance providers and volunteers must replace damaged or stolen signs.

(6) When an adopter terminates its agreement with the Adopt-a-Greenway program, the adopter must not remove the sign. The Department will remove it.

(m) Field inspections of adopted segments. The Department will perform inspections of the adopted segment to assure that maintenance providers and volunteers are performing maintenance services as required under their permits and agreements.

(n) Voiding and revoking permits.

(1) If an adopter does not perform maintenance services at an adopted segment one month after permit issuance, the Department will notify the adopter orally and in writing that its permit has become void.

(2) The Department may revoke a volunteer or maintenance provider permit for a permittee's failure to comply with this section, the requirements of the permit, the Adopt-a-Greenway technical guidelines, and any applicable laws, rules, and regulations.

(i) Prior to revoking a permit the Department will give the permittee an opportunity to be heard with at least two days notice.

(ii) If the Department determines that an imminent peril to life or property exists, the Department may revoke a permit without providing the permittee an opportunity to be heard prior to such revocation. Upon request of the permittee, the Department will provide the permittee an opportunity to present its objections to such action within five days after the Department receives the request.

(3) The Department will assign the segment of the voided or revoked permit to the next sponsor or volunteer on the waiting list or place the segment on the available segment list.

Section 2-23

MICROTRENCHING

(a) Incorporation by Reference of the Microtrenching Rules Promulgated by the New York City Department of Information Technology and Telecommunications as Chapter 1 of Title 67 of the Rules of the City of New York. Except where inconsistent with this Title, the microtrenching rules promulgated by the Department of Information Technology and Telecommunications (DOITT) in Chapter 1 of Title 67 of the Rules of the City of New York are hereby incorporated by reference into this Chapter as rules of the Department of Transportation.

(b) Microtrenching:

(1) A telecommunications franchisee applicant for a microtrenching permit from the Department must obtain a certification that no excess capacity is available in the location covered by such permit from DOITT pursuant to Chapter 1 of Title 67 of the Rules of the City of New York. The applicant must submit that certification to the Department of Transportation as part of the application for a permit.

(2) A street opening permit for installation of telecommunications conduit utilizing microtrenching must be obtained from the Department, pursuant to §2-02, after obtaining a certification from DOITT. Fees must be paid pursuant to §2-03 of these rules.

(3) A street opening permit must be obtained for the removal of conduits installed pursuant to this section and the restoration of the sidewalk or roadway. Such sidewalk or roadway restoration must be performed in accordance with the Department's specifications.